Special Supplement in This Issue:

The Otto Otepka Story

HUMAN EVENTS

YOUR WEEKLY WASHINGTON REPORT

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LBJ Withholds Full 'Pueblo' Report

By PAUL SCOTT

President Johnson is deliberately withholding significant details involving the seizure of the U.S.S. *Pueblo* in an effort to keep a damper on the explosive Korean crisis.

Most exciting of these are the confidential messages from the intelligence-gathering vessel revealing the courageous fight the 83-man crew put up against a vastly superior North Korean naval force.

As relayed directly to the National Security Agency's communication center near Washington while the battle raged, the messages contained these unpublished details of the attack:

- Twice North Korean boarding parties were repulsed during the one-hour, 45-minute attack.
- Three members of the crew were wounded by enemy gunfire when the deck of the *Pueblo* was swept by North Korean machinegun and small arms fire.
- The *Pueblo* was boarded by the North Koreans on their third attempt and after the ship's two 50-caliber machineguns were put out of operation by enemy fire.
- A fourth crew member was seriously injured when he attempted to blow up the ship's most secret equipment during the first boarding attempt.

These and other still secret details of the fierce battle waged by the *Pueblo* crew are being suppressed on direct orders from the President to keep public opinion from being further inflamed over the violent nature of the attack.

An Administration insider says the President is deeply concerned that if the full story of the crew's valiant resistance were to be made known now, it could trigger nationwide demands that military rather than diplomatic methods be used to try to obtain the return of the ship and its personnel.

To keep the damper on the crisis, the President also directed all Pentagon civilian officials and officers to clear statements on the *Pueblo* with the White House before making them.

Although access to all of the *Pueblo*'s communications has been restricted to only a handful of Administration officials, one confidential version of the hijacking now circulating within the Navy confirms the three boarding attempts as follows:

"On January 23, at about noon, a North Korean subchaser circled the *Pueblo* three times, and on the last circle signaled the *Pueblo* to heave to or be fired upon. *Pueblo*'s reply: 'I am in international waters.'

"At 1 p.m., an additional force joined the subchaser, consisting of three patrol boats, and the *Pueblo* was ordered to follow them. The *Pueblo* refused. At this time two MIGs began to circle directly overhead.

"One attempt to board the *Pueblo* by armed personnel was repulsed. North Koreans were prepared to fire and later they did so. Within a few minutes of the first boarding attempt, a second unsuccessful attempt was made. Several North Koreans were injured in this attempt.

"At about 1:30 p.m., the *Pueblo* was again directed to stop; and at 1:45 p.m., an attempt to board the vessel was successful after enemy fire put the *Pueblo*'s two 50-caliber machineguns out of operation.

"Three members of the *Pueblo* crew were wounded by enemy fire during the boarding attempts; a fourth crew member was injured in trying to destroy equipment aboard the vessel."

At the time of the *Pueblo*'s seizure the "ferret" vessel was operating under a special command set up by Defense Secretary McNamara for all intelligence-gathering vessels.

Messages from the *Pueblo* were routed directly to McNamara's office through this special command rather than through the regular chain of command in the Navy.

When the special "ferret" ship command was set up following the 1962 Cuban missile crisis, then Chief of Naval Operations Adm. George Anderson objected vigorously to it.

The U.S.S. Pueblo, **shown as an Army ship prior to her transfer to the Navy, was apparently under attack for some time, according to the accompanying report by columnist Paul Scott. The Defense Department says only that it does not know just exactly what happened to the** Pueblo **before she was actually boarded by the North Koreans.**

Adm. Anderson warned that the new command system would isolate these naval ships from the rest of the Navy and make it impossible for other naval warships to respond to their calls for help should they be attacked.

Secretary McNamara not only ignored the warning, but succeeded in having the brilliant admiral shifted from the Pentagon by getting President Kennedy to send him to Portugal as U.S. ambassador.

Naval aides say McNamara never forgave Anderson for ordering him out of the naval operations center in the Pentagon during the Cuban crisis. In a heated exchange on how the naval quarantine should be run, Anderson bluntly told McNamara to leave, since the President had put him in charge of the operation.

Several members of the House Armed Services Committee headed by Mendel Rivers (D.-S.C.), chairman, have recommended to President Johnson that Adm. Anderson be recalled to advise him on the Navy's "contingency plans" to gain release of the *Pueblo*.

As outlined to committee members, these plans call for immediate seizure of five North Korean ships and their crews as a reprisal measure. The North Korean ships would then be used in the diplomatic bargaining for the *Pueblo*.

If Pyongyang failed to respond to the first seizure, the Navy's plan provides for capturing five more vessels and then continuing the seizures until the *Pueblo* and its crew are released or the North Korean merchant fleet wiped from the high seas.

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Editor's Note: Contacted about the contents of this Paul Scott article, spokesmen at the White House and the State Department replied only, "No comment." The Defense Department, claiming there is "no evidence" to support the Scott story, maintained that "We have no information beyond the captain's message that the **Pueblo** was being boarded. We do not know whether there was or was not any armed resistance on the part of any of the crew members. We do not know how the four crew members were injured."

More Trouble in Puerto Rico

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NEWSPAPER

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HUMAN EVENTS

YOUR WEEKLY WASHINGTON REPORT

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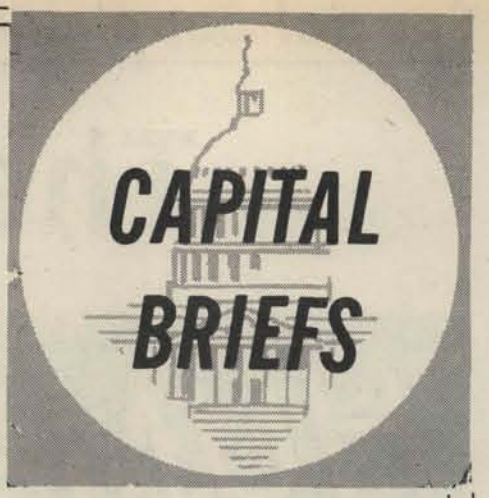

● FBI Director **J. Edgar Hoover** charged last week that dissident groups—including at least one financed through the War on Poverty—"are creating such a smokescreen of harassment and intimidation that enforcement of the law is becoming an overwhelming burden for many agencies." Hoover referred to legal action against the Newark, N.J., police department that has been financed through the anti-poverty program.

● A major reason for LBJ's mistakes in the Far Eastern situation, say insiders, is that he's relying on advice from former Under Secretary of State **George W. Ball,** a soft liner in the field of foreign policy. Ball is the man LBJ called in for advice during the "Pueblo" affair.

● How tight is the budget? The reliable Congressional Quarterly, analyzing LBJ's fiscal 1969 requests, says the President is asking Congress to spend **$2 billion more** on urban affairs alone than he did in fiscal 1968.

● Federal security agencies in Washington say that Dr. **Martin Luther King,** who plans a massive civil disobedience campaign in Washington this spring, is being advised by at least one member of the American Communist party. Last week, King, who predicts extensive chaos unless Congress comes forth with his demands, also met with guerrilla warfare advocate Stokely Carmichael and SNCC leader H. Rap Brown.

● LBJ may not like it, but the wife of Sen. Philip Hart (D.-Mich.) is participating in **anti-Johnson "peace" groups** in Washington. Moreover, the Hart's daughter, Ann, heads the Volunteers for McCarthy in the Nation's Capital.

● **LeRoi Jones**, author of "hate-whitey" plays and facing two and one-half to three years on gun charges, has been advising Newark's Robert Treat Elementary School on the use of federal grants for underprivileged children. Neither local nor federal authorities appear to be upset about the matter.

● New York Gov. **Nelson Rockefeller** has received a boost in his chances to become the Republican presidential candidate as a result of a recent poll of GOP congressmen taken by the non-partisan Congressional Quarterly. Of 130 House Republicans polled, 69 or 53.1 per cent said they thought that Rocky would be the strongest; 49 or 37.7 per cent leaned to Richard Nixon.

● A Gallup Poll reveals that **Nixon is favored** by Republican voters, but has lost ground to Rockefeller since November 1967. At that time 65 per cent of GOP voters preferred the former vice president; 31 per cent Rocky. In January 1968, says Gallup, Nixon led the New York governor by only 55 to 41 per cent.

● Appointments to the nation's draft boards are apparently regarded as **political patronage** in the "Great Society." In New Canaan, Conn., a Viet Nam dove was named to the local board by Gov. John Dempsey—who received the name from the Democratic State Committee.

● Little reported in the press was the tragic fate of **650 Tibetans** who died recently while trying to cross the 20,000-foot-high Himalayas from their Communist-occupied country to freedom.

● Even the ultra-liberal American Civil Liberties Union has disavowed Dr. **Benjamin Spock** and others indicted on charges of violating the Selective Service Act. The ACLU issued a statement declaring, "We have assumed that the laws are constitutional, regardless of how unwise or unjust they may be from the viewpoint of the individual who violates them."

● LBJ may be **curtailing travel** for the beleagured taxpayer but not for his bureaucrats. Rep. Richard Roudebush (R.-Ind.) reports that the National Science Foundation is using tax dollars to send scientists to Germany, Hungary, Australia, France, Switzerland, the Netherlands and various Iron Curtain nations. "How in all honesty," asks Roudebush, "can this Administration suggest a tourist tax and fare levy on the American public while shoveling out lucrative grants at taxpayer expense for favored citizens to junket this summer?"

● The tax-exempt Ford Foundation is channelling funds into a new organization called **Mississippi Action for Community Education** (MACE), according to a MACE spokesman in Greenville, Miss. Aided by Walter Reuther's Citizens Crusade Against Poverty, MACE is directed by former SNCC field secretary Ed Brown. Brown is the brother of SNCC leader H. Rap Brown, currently charged with inciting a riot in Cambridge, Md.

● A member of Florida's Democratic congressional delegation gloomily predicts that the Republicans will pick up **George Smathers' Senate** seat and at least two House seats. "They could make a net gain of as many as four districts," he says.

● Rep. Frank T. Bow (Ohio), ranking Republican on the House Appropriations Committee, says he will propose legislation to hold LBJ's fiscal 1969 **administrative budget** to the 1968 level, except for Viet Nam needs. This would be $137.2 billion, or $10 billion less than the sum requested by the President.

● The Soviet Union broke the "top secret" and other codes of the United States as a result of the **bugging of the code room** and top secret file room of the new American Embassy building erected in Warsaw, Poland, according to the highly reliable Washington bi-weekly, *the Government Employees' Exchange*. *The Exchange* revealed the "bugging" devices were actually part of the "Yugoslav bricks ordered by the United States to erect the building."

● Dr. Edward Teller, the chief contributor to the development of the H-bomb, says the proposed **nuclear nonproliferation treaty** would damage America's security by preventing the United States from arming its allies with anti-missile weapons. "We should stop the proliferation of aggressive weapons, not stop the development of defense."

● Sen. Frank Moss (D.-Utah), who visited South Viet Nam as a dove, has returned as a hawk. "A year and a half ago, I joined in agreeing an extension of the bombing pause at that time should be made," he said recently. "I am not so naive now. I can now see clearly the futility of a **unilateral ceasing of the bombing** of North Viet Nam after witnessing the fierce and merciless attacks of the Viet Cong and the North Vietnamese army."

● Department of Wasteful Expenditures: The **National Science Foundation** recently shelled out $33,000 to study the African cricket. The grant for this "vital" research was given to the University of Michigan.

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LBJ's Viet Mistakes

As the conflict between Communist and pro-Western powers stepped up its torrid pace in Viet Nam last week, veteran diplomatic observers at home laid a major share of the blame for the Asian crisis right at the doorstep of the Johnson Administration.

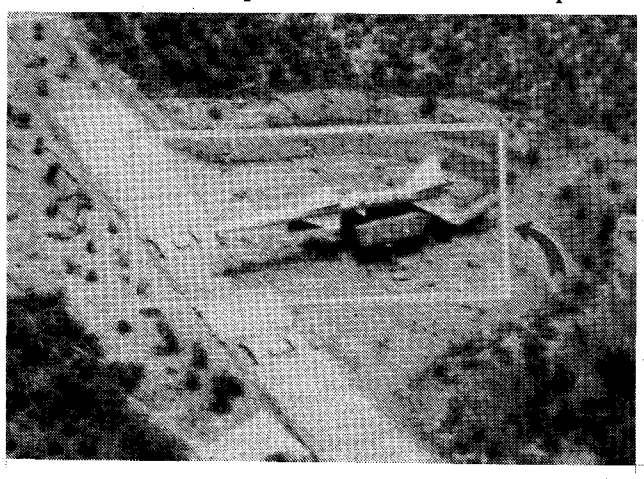
According to these experts, the Administration has committed an untold number of blunders, each of which has proved costly in the diplomatic and military arena. They list them as follows:

• **Failure of inspirational leadership at the White House.** According to this line of thinking, the enemy in Viet Nam has been enormously encouraged to keep up the fighting because of the division and dissent at home. While no one faults the President for not possessing the magic oratory of a Churchill, he could, it is pointed out, have rallied almost the entire country to the Viet Nam cause in a variety of ways. He could, for example, have persuaded Congress to declare war. He could have instilled a feeling of self-sacrifice in the people by refusing to promise lavish profits, wages and welfare for civilians while demanding that American soldiers give their lives in Viet Nam. He could have embarked on an intensive educational program to vividly demonstrate that Communists—Russian, Asian, Latin and European—are threatening free men everywhere, a fact that makes it imperative that we win in South Viet Nam. But the President has significantly failed to inspire the people precisely because he has treated the war as a problem that should not seriously interrupt our pleasures at home.

• **Failure of the bomb pause.** It now turns out that just before the Communists in South Viet Nam launched their massive offensive in late January the United States again restricted its bombing in the vain hope of achieving peace negotiations with Hanoi. Secretary of State Dean Rusk admitted on NBC's "Meet the Press" television program February 4 that the United States was excluding both Hanoi and Haiphong from intensive bombing raids while waiting for a peace feeler. It was during this pause that the Communists launched their successful blitz in Saigon, Hue and other major Viet Nam cities. Nor have the bomb pauses won any allies. The President has ordered some nine lulls in the bombing. The North Vietnamese response in each case was to escalate and the response of the critics has been to intensify their campaign for more bombing lulls.

• **Failure to close the North Vietnamese port of Haiphong.** Military advisers, including the Joint Chiefs of Staff, have recommended for several years now that this port should be shut down either through mining, bombing or a blockade. Such a policy would prevent massive injections of military aid that reach Hanoi through Communist-bloc and allied shipping.

• **Failure to implement the doctrine of hot pursuit.** Military experts have been insisting that the war in South Viet Nam cannot be won without pursuing the enemy into his privileged sanctuaries in Cambodia, Laos and North Viet Nam. But time and again the enemy has been allowed to mount his assaults from outside South Viet Nam without being touched. Last week, it was pointed out, the North Vietnamese had massed some 40,000 of its troops along the demilitarized border for a possible assault on the important Khe Sanh area. But the United States refused to make a pre-emptive strike. The Soviet PT-76 tanks that were used to clobber the Americans at Lang Vei last week came into South Viet Nam via North Viet Nam and roads in Laos. But nothing was done to knock them out of commission until they were in South Viet Nam. By permitting the enemy to assail us from his sanctuaries, it is claimed, the United States will find it almost impossible to achieve military victory over the North.



The North Vietnamese have reportedly moved Soviet-built SAM ground-to-air missiles (above)into South Viet Nam as part of the apparently imminent assault near Khe Sanh.

• **Failure to promote a hard-line foreign policy toward the Soviets.** The Soviets are North Viet Nam's major suppliers. But the Administration, with an almost frenzied resolution, consistently yields to their bluff and bluster and encourages trade that will only bolster Soviet strength. At the very time Administration forces were trying to prevent restrictions on East-West trade being tied to the Export-Import bank last week, American troops were being crushed by Soviet PT-76 tanks in the important Lang Vei area. American headquarters in Saigon acknowleged that loss of the camp was "critical" for the control of the Laotian border area and highway 9, a vital route linking Lang Vei to the United States Marine fortress at Khe Sanh four miles away.

These are some of the major failures that have led to the current crisis for America in Viet Nam.

THIS WEEK'S NEWS

from

INSIDE WASHINGTON

The Korean Crisis

A major crisis was boiling over not only in Viet Nam last week, but in Korea. North Korean Premier Kim Il Sung declared that recent developments show that a war may break out "at any moment," a possibility strongly feared by our South Korean allies.

Kim spoke in terms frightfully reminiscent of Communist statements immediately prior to the Korean War in 1950.

The North Korean leader was quoted as saying that all recent developments show that a war may break out because of "United States imperialism." He called for "full combat preparations" so that "the aggressors can be crushed."

• Aside from the story on the front page of this issue, additional information has been brought to light revealing how LBJ pulled his punches after the North Koreans brazenly hi-jacked the *Pueblo* from international waters. Top naval authorities, it is learned, suggested to the President that the United States should retaliate by capturing some of the North Korean ships, but this advice was promptly rejected by the President.

Another aspect of the *Pueblo* affair has begun to puzzle Washington lawmakers. Government sources last week revealed that the *Pueblo*, despite the sensitivity of its mission, had not been fully equipped with built-in destructive mechanism for all of her highly secret electronic gear. While ships of this type are supposed to have special incendiary detonating devices, the *Pueblo* reportedly had none, or at least too few. In attempting to destroy the codes, the crew had to use its "ingenuity" and may have even manufactured a makeshift explosive to perform the job.

Rear Adm. John V. Smith, USN, at right, reads a statement of protest to North Korean authorities at Panmunjom over the Red seizure of the USS Pueblo.

Union Bosses Cow Rocky

Gov. Nelson Rockefeller's chances for the GOP presidential nomination may have been set back last week as a result of his crass cave-in to high-handed union tactics in New York City's illegal garbage strike.

The facts of the case were these. Some 10,000 members of the Uniformed Sanitationmen's Association had struck the five boroughs of the city, causing some 10,000 tons of refuse to pile up daily and compelling the Board of Health to declare the first city-wide health emergency since 1931.

The union, which has been demanding a $600 annual increase retroactive to July 1, continued the strike in brazen defiance of a restraining order and the state's Taylor Law. The law forbids strikes by public employes and permits a $10,000-a-day fine on unions which ignore it.

As the strike continued, Mayor John Lindsay, with uncharacteristic courage, refused to negotiate with the union until it ordered its members back to work.

When the sanitation association spurned the opportunity to negotiate under these conditions and when other governmental unions refused to step in, Lindsay requested Rockefeller to send in the National Guard to help clean up the city's uncollected trash. Lindsay acknowledged that having troops come in would face opposition, but he stressed that the union members "are striking in defiance of New York state law and their own union charter. As members of a uniformed service, they have no moral or legal right to cripple an essential city function to achieve their own ends."

At this point, however, Rockefeller decided to undercut Lindsay's firm stand. Instead of calling out the Guard, Rocky designated a special mediation panel to deal with the union and to foster "negotiations," he released from jail union president John J. DeLury. DeLury, as everyone in New York knows, happens to be one of Rockefeller's most effusive supporters and it was his sanitation workers that help re-elect Rocky in 1966. In short, Rockefeller decided to bow to the union under the blackjack of the garbage strike.

The New York *Times*, which has been rooting for Rocky to run for President, declared last week that the governor had surrendered to "mob rule." His move, they claimed, was "calculated to destroy respect for the Taylor Law, which the legislature put on the statute books less than a year ago under the governor's vigorous prodding."

The governor's decision, the *Times* added, "may end the tie-up, but it will do so on terms from which the city will not soon recover. The domineering chiefs of New York's civil service unions now have proof that, even when the mayor stands up against their illegal assaults on the community . . . they can always find a friend higher up to bail them out."

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Santa Humphrey

Hubert Humphrey has been assigned the role of Santa Claus for 1968 by the Johnson Administration. If any area of the country thinks it's not receiving a proper cut of the taxpayers' dollars, its leaders can come to the vice president, who is ready with a satchel full of federal money to help "persuade" people to vote Democratic.

HUMPHREY

"The Vice President's Handbook for Local Officials," printed at taxpayers' expense and soon to be distributed nationwide, tells the story.

Filled with smiling photos of a happy Humphrey prepared to dole out dollars, the 322-page booklet notes: "The Johnson Administration has $17.5 billion to spread around this year among states, cities and local communities. Are you getting your fair share? Are you passing up your proper cut in this bounty because of ignorance of procedures? Here are detailed guidelines for participating in 450 federal programs which provide cash assistance."

If your locality has repeatedly failed to get in on the federal goodies, Humphrey is portrayed as the miracle man who can make money materialize almost on the spot. Anything you ask for, including such vital community "necessities" as tennis courts and swimming pools, is eligible.

The vice president, it is reported, sees no inconsistency in his role as chief dispenser of government money and the Administration's loud claim that it is doing its level best to trim federal spending to the bone.

LBJ's Consumer Package

LBJ presented his new consumer package legislation to Congress last week, calling for all sorts of new federal regulations, including intervention to protect consumers against bad poultry and fish. He also declared he would appoint a "consumer counsel"—the name Ralph Nader is already being bandied about—to work in the Department of Justice.

Before Congress immediately endorses this legislative package, however, it should first take time to read a provocative story in the January 29 edition of the *National Observer*. For as that paper reveals, the Administration may have deliberately panicked the Congress last year into rushing through such consumer legislation as the new federal meat inspection law.

Federal inspectors from the Department of Agriculture made sweeping surveys of state meat packing plants in 1967 and reported back that deplorable conditions existed in a high percentage of them. Congress then quickly passed new meat-inspection legislation.

But after an intensive survey of its own, the Observer believes that the federal inspectors "told horror stories" and "fudged facts" to federalize meat inspection. There is "convincing" evidence, it states, that such is the case.

Take, for example, a federal inspector's report on conditions at the Vernon T. Kister slaughtering plant in Springfield, Colo. The federal inspector gloomily noted: "Plant had very poor drainage. Sanitary conditions were deplorable, and the place could be smelled long before you got near it. Rats, roaches and flies have the run of the place." The report was included among others that were put together on Aug. 21, 1967. Colorado officials point out, however, that this plant had actually been closed at least 18 months *before* the time the report was presumably written.

The federal inspector who made the report, Joseph J. Barrett of Denver, admits there "was a mixup and a misunderstanding about the dates as to when inspections were made" and now concedes that the Springfield plant was inspected in 1966, not 1967.

In Michigan, state officials, struggling to put a newly enacted mandatory state meat-inspection law into effect, bristled at federal criticism of the state's efforts in this field. "I feel," wrote one state official to B. Dale Ball, state director of agriculture, "[the federal] report is unnecessarily critical of a new program. . . . [The federal inspector] criticized the slaughterhouses in Niles for using lime in the dehairing operation. . . . We contacted the federal meat-inspection office in Detroit and they told us that they allowed the use of lime."

In Missouri, Vincent T. Foley, food-section chief of the Kansas City Health department, protested to federal officials that newspaper stories unjustly accused certain meat plants in the city of being unsanitary and for saying that one was "well known" for purchases of cancereyed and other distressed cattle. Foley said that in both instances the federal inspector didn't go through key areas of the plants. What's more, he said, the plant accused of buying diseased cattle bought all its animals from the federally regulated Kansas City, Mo., stockyards.

Foley complained that despite his efforts to obtain copies of the federal inspection reports, "this department was never advised by the U.S. Department of Agriculture of any unsanitary conditions allegedly existing in Kansas City meat plants. Apparently USDA is interested in smear publicity rather than correcting insanitary conditions."

One of the angriest state officials is Phil Campbell, Georgia's commissioner of agriculture. In telegrams sent to newspapers and members of Congress on November 22, Campbell said: "Many times prior to my testimony before the Senate Committee. . . . I and many other commissioners of agriculture over the United States received long-distance telephone calls from personnel of the U.S. Department of Agriculture threatening us with a smear campaign and stating that things would get very nasty if we testified [against the Administration bill]. . . . Within two days after my testimony on November 15 federal personnel of the USDA meat inspection staff in Atlanta received orders to find something wrong in non-federally inspected Georgia plants. . . ."

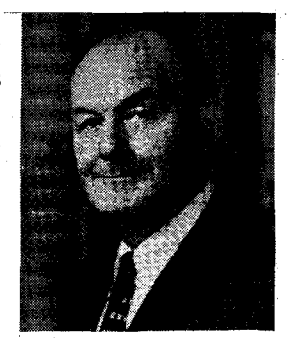
Campbell, noted the *Observer,* was correct, at least technically. He testified on November 15. And on November 17 a memo was dispatched from an Agricultural Department regional office to the officer in charge of Atlanta-based federal meat inspectors to make an additional survey of "state-inspected" plants in Georgia.

Such are the tactics, apparently, that the LBJ Administration likes to use in ramming legislation through Congress.

Foreign Aid Scandal

Vice President Humphrey was shaken last week by reports that two of his proteges were involved in potentially scandalous conflict-of-interest situations.

Protege No. 1 is Humphrey's former administrative assistant, Herbert J. Walters, the $26,000-a-year head of the Agency for International Development's "War on Hunger" program. Waters resigned that post ostensibly to enter private business, but super sleuth Sen. John Williams (R.-Del.) had another version.



WILLIAMS

In a Senate speech Williams said that Waters was one of four AID officials who resigned rather than face charges of accepting improper gratuities from a Belgian contractor. Williams said the four accepted cash and services totaling $250,000.

The Delaware senator accused AID of covering up the scandal by sending the files in question to the Justice Department where they would be unavailable to Congress. The files were shipped off to Justice less than a hour before Williams was to discuss the case with AID boss William S. Gaud.

The second Humphrey aide embarrassed last week was Neal D. Peterson, who was Humphrey's liaison with the Small Business Administration from 1961-65. The head of SBA for the latter half of this period was another Humphrey crony, Eugene Foley.

Rep. H. R. Gross (R.-Iowa) charged that Peterson used his influence to obtain government aid for the Universal Fiberglass Corp., a Minnesota firm represented by his brother, Roger. The firm subsequently went broke and the government stands to lose from $3 to $4 million. Summed up Gross: "The role of Neal Peterson in this case is highly questionable at best and demonstrates a carelessness on conflicts of interest. It has many of the earmarks of the 'gross improprieties' that characterized the activities of Bobby Baker."

Travel Tax

The most alarming thing about the proposed travel tax which LBJ unveiled before Congress last week is that Chairman Wilbur Mills of the tax-writing House Ways and Means Committee reportedly favors its enactment. Mills, however, has not committed himself.

MILLS

Even if the powerful head of Ways and Means pushes for this legislation, however, there is still some doubt that the measure will pass, considering its oppressive nature and the fact that it will probably not appreciably offset the balance-of-payments deficit.

The key part of the package is a graduated tax on travel outside the Western Hemisphere. The first $7 spent in each day would be free of taxes, but the next $8 a day would be taxed at 15 per cent. Above that, the tax is 30 per cent per day.

The present 5 per cent tax on domestic airline tickets would also be applied to overseas airplane and boat tickets and the existing $100 duty-free exemption on goods bought abroad would be reduced to $10 a person.

In an extremely complicated procedure and one that would invite chiseling, travelers going abroad would have to report how much money they were taking with them and upon return would have to state to customs officials how much they had left. A formal tax return would then have to be filed within 60 days, including payment of any travel taxes due the Internal Revenue Service.

Some congressmen not only find this tax package discriminatory, they feel it may violate a basic right: the right to travel. The Supreme Court, for example, has continued to maintain that the government can't forbid Communists to travel abroad. In the words of inveterate globe-trotter William O. Douglas, "Free movement by the citizen . . . is the very essence of our free society."

"True, "notes the Chicago *Tribune,* the "court was talking about the rights of Communists and others to travel abroad against the wishes of the State Department. But this makes the proposed restrictions all the more offensive. The Administration is not only asking us, as tourists, to atone for its own fiscal sins, but it also wants to impose on a right which the Supreme Court has guaranteed to Communists in our midst."

Wallace Announces

While many conservatives in the Nation's Capital are wary of former Gov. George Wallace, regarding him more as a Populist than a conservative, they nevertheless recognize that he could be a formidable presidential candidate. In "irrevocably" committing himself last week to run on a third party ticket this year, Wallace impressed a number of observers with his rhetoric and replies to questions during his announcement press conference at Washington's Sheraton Park Hotel. After listening to him, these observers are more certain than ever that if the GOP refuses to take a strong, conservative position on such issues as crime and foreign aid, Wallace will pick up an enormous number of votes—Northern as well as Southern.

Because of the Special Supplement on the "Otto Otepka" story, our regular feature "Politics '68," the "Spy Net" series and the final installment of "Election Year Information" do not appear this week. These features will be resumed in next week's issue.

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HUMAN EVENTS

SPECIAL SUPPLEMENT

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February 17, 1968

The Otto Otepka Story

In this special supplement, *Human Events* presents an extraordinary brief prepared by noted Washington attorney Roger Robb in behalf of Otto Otepka, the controversial State Department official who has been barred from performing security duties at State since November 1963.

Introduced by Robb into the department's hearings on Otepka last year and incorporated in Otepka's appeal to the Civil Service Commission, this explosive document was revealed to the public in its entirety for the first time when Rep. John Ashbrook (R.-Ohio) inserted its contents into the Dec. 14, 1967, *Congressional Record.* Oddly enough, however, few newspapers have reported much about this official document.

The Otepka brief portrays a startling picture of how the Kennedy Administration altered the security set-up in the State Department. It reverberates with charges of deception and cover-up in high places and points to the wholesale scrapping of previously established security standards. At one point the brief strongly implies that certain key department figures would have welcomed the re-employment of Alger Hiss, who

Continued on page 2

Why Did Otepka Annoy His Superiors?

What Security Scandals Did He Expose?

Will Justice Ever Be Done in This Case?

Why the Great State Department Secrecy?

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Continued from Page One

The Otto Otepka Story

was convicted of perjury for denying any role in supplying top secret documents to the Soviets.

The brief's charges, furthermore, have yet to be successfully challenged, despite their airing before the department and their insertion into the *Congressional Record* almost two months ago.

While excerpts have previously appeared in *Human Events*, the editors feel that the full contents of the brief should be widely circulated in the interest of fair play for Otepka. The State Department has officially and publicly demoted Otepka; it has removed him from security duties for which he is well trained. Yet it has also made an energetic effort to prevent the public from hearing what Otepka has had to say in his own defense.

From the inception of the Otepka case in the early 1960s, the department has tried to cloak the major part of this controversy in secrecy.

The department initially refused to respond to the most elementary questions concerning the case. Later it issued responses that were either inaccurate or entirely misleading. Pressure was put on not only Otepka but other high department officials to stop them from telling what they knew—even to authorized committees of Congress.

Public Hearing Refused

When Otepka demanded a public hearing before the State Department, the department denied his request on the grounds that certain classified documents would be entered into the record. But the department would not even go along with publishing only a censored version of the hearings, nor would it even furnish to reporters the findings of the hearing officer.

Indeed, reporters were actually unable to obtain from department spokesmen the room number in which the hearings on Otepka were to be held. If it had not been for a few diligent reporters and the Senate Internal Security subcommittee (SISS) the Otepka case would probably be unknown to the American people today.

The Otepka case began in 1961 when the Kennedy Administration took office. Up to that time, Otepka, a member of the civil service, had been considered an outstanding professional security officer. He had come to the State Department in 1953 as a personnel security evaluator. In 1958 he received a Meritorious Service Award signed by Secretary of State John Foster Dulles.

In 1960 his State Department efficiency report noted his "long experience with and extremely broad knowledge of laws, regulations, rules, criteria and procedures in the field of personnel security. He is knowledgeable of communism and its subversive efforts in the United States. To this he adds perspective, balance and good judgment." This was the last efficiency report he received.

When the Kennedy Administration took over, Otepka's star began to recede.

Bobby Kennedy and high State Department officials demanded that certain individuals be

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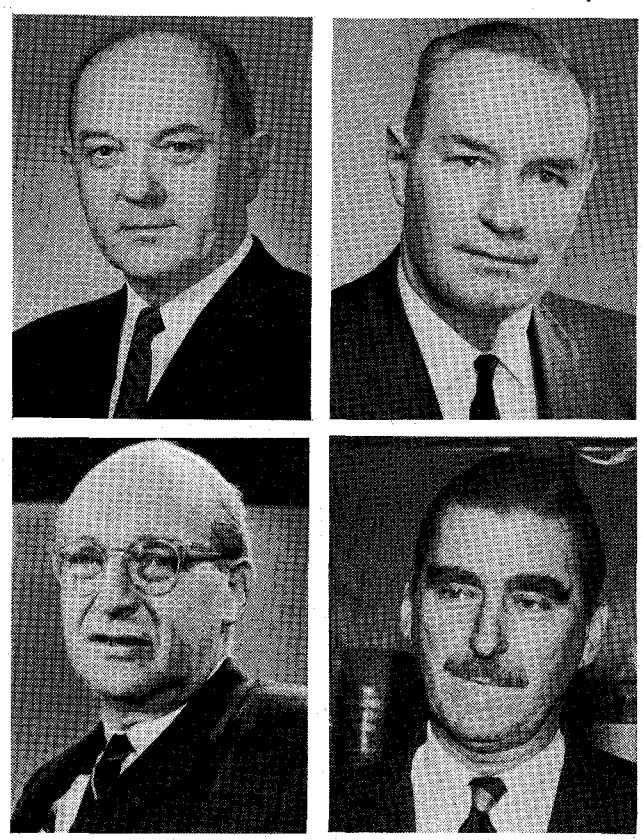

These men all play important parts in the Otto Otepka case. Clockwise from upper left, they are: Dean Rusk, Harlan Cleveland, William Wieland and Walt Rostow.

allowed to obtain important jobs without proper security clearance. By early 1962 Otepka had become aware that Secretary of State Dean Rusk had granted 152 security "waivers" to high-ranking department personnel, whereas only five such waivers had been granted during eight years of the Eisenhower Administration. Otepka strenuously objected to these and other security decisions. As a result, he found himself being more and more ignored and even harassed.

Placed in 'Isolation'

On Jan. 20, 1962, Otepka was downgraded from deputy director of the Office of Security to chief of the Evaluation Division. Later he managed to avoid a department maneuver to jettison him from security evaluation. Meantime, the department made known its displeasure with Otepka's appearances before the SISS which had undertaken a probe of security practices in the department.

On June 27, 1963, Otepka, without warning, was 'locked out' of his office, denied access to his files and placed in isolation. He also learned that department officials had previously placed a secret tap on his telephone. Three of the officials who denied knowledge of this tap later recanted their testimony before the SISS.

On Sept. 23, 1963, the State Department notified Otepka it proposed to fire him for actions "unbecoming to an officer in the Department of State." Among the accusations leveled: that he had mutilated secret documents and transferred material to the SISS without authorization. On Nov. 5, 1963, Otepka's response to the charges was disregarded and he was "fired" pending appeal and review by Secretary of State Dean Rusk.

For various reasons, including the State Department's wish to stall and Otepka's desire to have his hearing held after the SISS had released its own findings regarding the Otepka controversy, the department hearing did not begin until June of last year.

Initially the department had levelled 13 charges against Otepka. By the time of the department hearing, 10 of the 13 charges were dropped, including those involving mutilation of documents.

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After more than 1,000 pages of testimony, hearing officer Edward Dragon on December 5 found Otepka guilty of delivering "two memoranda and [an] investigative report to a person outside of the Department of State and in violation of the Presidential Directive of March 13, 1948. . . ." Dragon also found "no extenuating circumstances which would mitigate the delivery" of the items.

Dragon arrived at this conclusion without offering any refutation of Otepka's defense that these items were delivered to a duly authorized congressional committee for the purpose of proving that he had not lied in sharply disputing statements made by his superiors.

Also, it is interesting to note that at no point has Dragon—or anyone, for that matter—disputed the substantive charges made in the Otepka brief.

Basing his ruling on Dragon's findings, Secretary Rusk on Dec. 9, 1967, after considering the "entire record" of Otepka's appeal, directed that Otepka be "severely reprimanded," reduced in grade from GS-15 to GS-14 and transferred to duties "which do not involve the administration of personnel security functions."

Discontented with this decision, Otepka has now taken his case to the Civil Service Commission.

Civil Service Appeal

This move suggests further headaches for not only the State Department but other high-ranking government officials. For in appealing to the Civil Service Commission, Otepka, through attorney Roger Robb, has demanded a commission inquiry to determine the identity of those who were responsible for his ordeal.

When the State Department threw out 10 of 13 charges it had initially placed against Otepka, the department had managed to prevent a probe of several prominent figures, including those who may have played a significant role in trying to force Otepka out of his job.

Two important personalities who might have been affected if the charges had not been dropped: Sen. Robert F. Kennedy and current White House adviser Walt W. Rostow.

One of Kennedy's first acts as attorney general was to summon Otepka and quiz him about the possibility of waiving security procedures in connection with Administration appointments to the State Department. The naming of Rostow was one of those appointments. Otepka refused to agree to the process and this appears to have prompted his present troubles.

As Chicago *Tribune* columnist Willard Edwards noted: "The Civil Service Commission is designated as the guardian of the rights of three million government employes who are supposed to be protected against powerful pressures from above if they faithfully perform their duties.

"It must decide whether Otepka was deprived of his rights when the State Department, by dropping certain charges against him, prevented disclosure of the principals who ordered his telephone tapped and evidence 'planted' against him."

Addressing itself to this point, the new Otepka brief states: "It is our belief that these undisclosed individuals were agents of those who schemed to destroy Otepka and the disclosure of their identities will lead to the identifications of their principals whom the State Department is attempting to protect. The unanswered questions are important and obviously material to the case. We request a thorough investigation to ascertain the truth."

Whether the Civil Service Commission will respond to Otepka's urgings is still another matter. If it does not, his next step may well be an appeal to the courts.

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Full Text of the Otepka Brief

The following is the complete text* of the official brief in behalf of Otto Otepka filed with Edward A. Dragon, the hearing officer who presided over Otepka's State Department appeal. This brief was submitted by Otepka's attorney, Roger Robb, a partner in the Washington, D.C., law firm of Robb, Porter, Kistler and Parkinson. The circumstances leading up to the filing of the brief and the events that have transpired since are summarized in the preceding two pages of this special supplement.

THIS IS AN appeal from the decision of Mr. John Ordway, chief, Personnel Operations Division, sustaining 13 charges against the appellant. The charges were preferred by a letter from Mr. Ordway to the appellant dated Sept. 23, 1963. The appellant filed his answer Oct. 14, 1963. By letter dated Nov. 5, 1963, Mr. Ordway found that all 13 charges contained in his letter of Sept. 23, 1963, were sustained. Mr. Otepka appealed from this decision on Nov. 14, 1963.

Mr. Ordway's letter of Sept. 23, 1963, setting out the charges against Mr. Otepka, recites in some detail that during the period March 13, 1963, the appellant's classified trash bag, referred to as a "burn bag," was subjected to continuous and covert inspection; that these "procedures" were "instituted" by direction of Mr. Otepka's superior, John F. Reilly, deputy assistant secretary for security. The letter further recites that certain carbon paper, copies, "clipped" and torn pieces of paper, referred to in the charges, were retrieved from the trash bag.

Following his description of the surveillance of the appellant's trash bag Mr. Ordway lists 13 charges against the appellant. Charges 1, 2 and 3 allege that the appellant conducted himself "in a manner unbecoming an officer of the Department of State" and committed a "breach of the standard of conduct expected of an officer of the Department of State," by furnishing copies of two memoranda and a copy of an investigative report to Mr. J. G. Sourwine, chief counsel, United States Senate Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws, of the Committee on the Judiciary. It is alleged that the furnishing of these papers was in violation of the Presidential Directive of March 13, 1948.

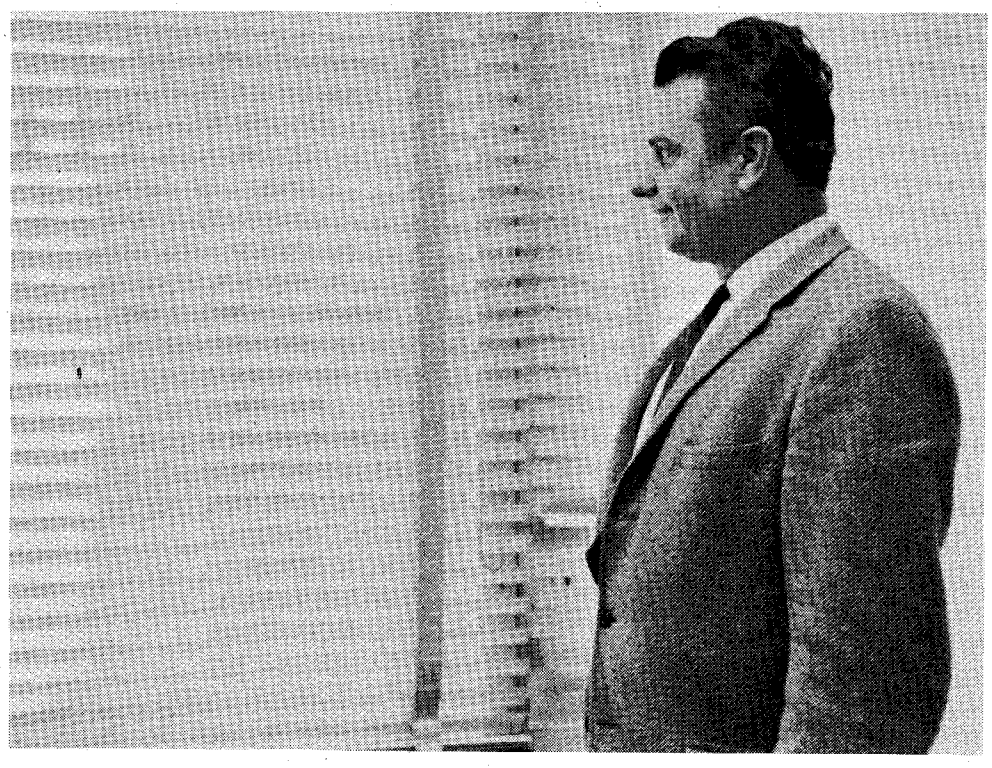
'Mutilation' Charge

Charges 4, 6, 8 and 10 allege that the appellant was "responsible" for the declassification of classified documents, in violation of various sections of the department's Foreign Affairs Manual. Charges 5, 7, 9 and 11 relate to the same documents referred to in charges 4, 6, 8 and 10 and allege that the appellant was "responsible" for the "mutilation" of such documents in violation of 18 U.S.C. 2071, a criminal statute.

On Oct. 4, 1963, counsel for Mr. Otepka requested Mr. Ordway to advise him whether it was alleged that Mr. Otepka personally clipped or mutilated the documents in question, and if not then who was alleged to have done the clipping or mutilation. On Oct. 8, 1963, Mr. Ordway responded that it was not alleged that Mr. Otepka personally clipped or mutilated the documents. Mr. Ordway did not answer the question as to the identity of the person alleged to have done the clipping or mutilation.

Charges 12 and 13, contained in Mr. Ordway's letter of Sept. 23, 1963, allege that Mr. Otepka conducted himself "in a manner unbecoming an officer of the Department of State" by furnishing to Mr. J. G. Sourwine certain questions which were subsequently put by Mr. Sourwine to Mr. Otepka's superiors, John F. Reilly and David I. Belisle, when they appeared before the Senate Internal Security subcommittee. It is alleged that the furnishing of such questions was "a breach of the standard of conduct expected of an officer of the Department of State."

By his letter of Oct. 4, 1963, counsel for Mr. Otepka requested Mr. Ordway to specify the regulation alleged to have been violated by such conduct of Mr. Otepka.



Harried by his State Department critics and engaged in a long battle to regain his prior position, Otepka pauses a moment in his office.

Mr. Ordway responded by his letter of Oct. 8, 1963, that no allegation was made that such conduct violated a specific Department of State regulation.

Notwithstanding the decision of Mr. Ordway on Nov. 5, 1963, that all 13 charges against the appellant were sustained, the Department of State at the outset of the hearing on June 6, 1967 withdrew charges 4 to 13 inclusive. The hearing therefore related only to charges 1, 2 and 3 alleging that the appellant furnished certain documents to Mr. Sourwine, chief counsel of the Senate Internal Security subcommittee.

Each of the first three charges contains three elements, all of which must be proven if the charges are to be sustained. These elements are:

(*1*) That Mr. Otepka gave a certain classified document to Mr. Sourwine, the chief counsel of the Internal Security subcommittee of the Committee on the Judiciary of the United States Senate;

(*2*) That the giving of this document was a violation of the Presidential Directive dated March 13, 1948; and

(*3*) That this act by Mr. Otepka was conduct "unbecoming an officer of the Department of State" and "a breach of the standard of conduct expected of an officer of the Department of State."

The position of the appellant with respect to the issues posed by the first three charges was stated by his counsel in an opening statement to the Hearing Officer. Briefly, that position was and is:

(*1*) Mr. Otepka did in fact turn over the papers in question to Mr. Sourwine, who was acting in his official capacity as chief counsel of the Senate subcommittee.

(*2*) The papers given to Mr. Sourwine are not within the scope of the Presidential Directive of March 13, 1948, fairly and reasonably construed in the circumstances of this case. The papers contained information in the public domain, they did not contain loyalty or security information in the proper sense of that term, and there was no loyalty case pending or contemplated against any of the persons involved.

(*3*) In the circumstances of this case Mr. Otepka was under a duty to produce the specified papers as part of his testimony before the Senate committee. He was called as a witness in connection with certain testimony that had been given to the committee by his superior, John F. Reilly. He was asked whether that testimony was true or false. He said it was false, as in fact it was. In these circumstances it was his duty, imposed by his oath to tell the whole truth, to make a full disclosure to the committee, including production of the relevant documents. To the extent that Mr. Otepka failed to make a full disclosure and failed to produce the relevant documents, he would have condoned or shielded false testimony.

(*4*) The fact that the specified papers were classified "Confidential" or "Official Use Only" is immaterial, since Mr. Sourwine and the members of the Senate committee were authorized to receive such documents.

'Get Otepka' Group

(*5*) Any attempt by Mr. Otepka to bring the matter of Mr. Reilly's false testimony to the attention of his superiors in the Department of State would have been a vain and futile thing, and could only have resulted in suppression of the truth, for the reason that there was afoot in the State Department at that time, and there had been afoot for a long time previously, a well-organized conspiracy conceived, encouraged and led by Mr. Otepka's superiors, to destroy Otepka. The motivation behind this scheme to get rid of Otepka was that he constantly and resolutely insisted that sound and proper security practices be observed in the Department of State, whereas his superiors constantly endeavored to relax or bypass security restrictions or standards to the end that persons reasonably considered by Otepka to be of dubious character might be retained or appointed.

(*6*) With respect to the question of what constitutes "a manner unbecoming an officer of the Department of State" and what is "the standard of conduct expected of an officer of the Department of State," the position of the appellant was that the answer to this question is not to be found in any written definition, formula, or regulation, nor is it contained in the Presidential Directive of March 13, 1948. The answer must be derived from an examination and study of the patterns of conduct which in the past have been approved or disapproved by the Department of State, thereby establishing the mores or standards of the department. The conduct of Mr. Otepka must be judged against the standard so established to determine whether or not it falls below accepted standards, or is in violation of any such standards. Judged against such standards, the conduct of Mr. Otepka clearly does not fall below the standard and pattern which have been approved and accepted by the department in the past, and it is not a breach of any such standard.

The purpose of these charges is to liquidate Mr. Otepka, not because his conduct has been dishonorable, not because his conduct has been below the standards which should be expected of an officer of the Department of State, but solely because he has insisted upon the observance of proper security practices and standards, and because he has testified truthfully before a Senate committee.

This brief will examine the evidence developed at the hearing and set out the facts established thereby with respect to the foregoing issues. In accordance with the understanding reached at the conclusion of the hearing, matters of law will not be argued or discussed.

THE EXCELLENT RECORD OF OTTO F. OTEPKA

THE REPUTATION of Mr. Otepka for personal integrity is very high, and he "is regarded in his profession as one of the very best security men in the government, one of the most experienced, one of the most able" (Sourwine). His reputation and standing were attested by many witnesses who appeared before the Senate Internal Security subcommittee.

As for the testimony of Mr. Otepka before that committee, Mr. Sourwine stated, "Mr. Otepka's testimony had been very lengthy. And we have checked many, many things he has told us, and we have established, so far as we know, everything he told us was true."

Mr. Otepka was born May 6, 1915, and entered the federal service on July 1, 1936, as an assistant messenger in the Farm Credit Administration. In July 1942 he was appointed an investigator with the United States Civil Service Commission. He was employed by the Civil Service Commission as an investigator or as a personnel security specialist until June 1953, except for the period October 1943 until March 1946, when he served in the United States Navy as a personnel classification specialist.

On June 15, 1953, he transferred to the Department of State as a personnel security evaluator at the GS-13 level, in the Office of Security. On Oct. 25, 1954, he was promoted to chief of the Division of Evaluations in the Office of Security. On June 19, 1955, he was promoted to the GS-15 level, and on April 7, 1957, he was promoted to deputy director, Office of Security.

He served in this capacity until Jan. 21, 1962, when his position was abolished by a reduction in force and he was reassigned to the position he formerly held as chief of evaluations.

In 1942 and 1943 (excluding military service) Mr. Otepka's efficiency ratings as an employe of the Civil Service Commission were "Very Good," which was next to the highest rating that could be

**The text of the brief as here reprinted is exactly as in the original submitted to the hearing officer except that most parenthetical page references to other legal transcripts, appendices and exhibits have been removed, long paragraphs in the original have been subdivided into smaller paragraphs for easier reading, subheads have been inserted to break up the lengthy text and certain paragraphs have been put into boldface type for emphasis. The direct quotations in the brief come from testimony presented before the Senate Internal Security subcommittee or at the State Department hearing; those interested in checking the references should consult the annotated text of the brief that was inserted into the* Congressional Record *by Rep. John Ashbrook (R.-Ohio) on Dec. 14, 1967.*

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assigned. From 1946, when he returned from military service, until 1953, he received ratings of "Excellent," which was the highest attainable rating at that time.

During the period of Mr. Otepka's employment as an officer of the Department of State his performance ratings have been uniformly high and complimentary. Thus, for the period December 1953-December 1954, his supervisor's "narrative appraisal of over-all work performance" read as follows:

> "During the entire rating period officer has been chief of the Evaluations Divison. In that capacity he has done an extraordinary job shaping a chaotic situation into an orderly, efficient and effective operation. He has displayed a high degree of administrative skill, an encyclopedic knowledge of pertinent rules, procedures and regulations, and a profound understanding of the history and background of subversive organizations and influence. He is gifted with the temperament, the judicial mind, and judgment which have contributed immeasurably to the thorough, objective and fair evaluations which have raised the production of his division to the higest professional standards. He is himself a drafting officer of unusual skill. His enthusiasm, willingness to give unstintingly of his time and effort, and his wholehearted cooperation have earned the respect of his superiors and subordinates alike and he has well earned a rating in the upper level of satisfactory."

'Exceptional Ability'

For the period December 1954-December 1955, his supervisor's narrative appraisal of the Evaluations Division stated:

> "Mr. Otepka has continued during this rating period to demonstrate exceptional ability in fulfilling the above work requirements. He has handled in an extraordinary manner cases of a highly complex and extremely sensitive nature and maintains excellent liaison relations with other areas in the department as well as other government agencies. His superior leadership enables such flexibility as to program the activities of his office to permit the expeditious liquidation of the normal workload as well as special projects assigned by higher officials within the time limitations established. He should be rated outstanding with regard to all aspects of his job requirements; however, since the established time schedule for the submission of an outstanding rating precludes the presentation of this rating, as outstanding the incumbent is being rated in the highest level with the satisfactory category."

For the period December 1955-December 1956, Mr. Otepka's supervisor recommended that his work as chief of the Evaluations Division be rated as "Outstanding." The justification for this rating stated in part:

> "The subject during the rating period performed every aspect of the work requirements set forth in his job description in a superior and exemplary fashion. He has shown himself consistently to be capable of sound independent judgment, creative work, and the acceptance of unusual responsibility. His attitude, sustained effort and willingness to put the needs of the office and the department before personal preference or convenience have set an example and provided an incentive to his subordinates and coworkers in the division and throughout the office.
>
> "During the last several years the incumbent has directed the completion of the department's program for the re-evaluation of all employes of the department and American personnel of the foreign service under the standard as set forth in Executive Order 10450. In this effort he personally completed a large number of evaluations on difficult or controversial cases, which have been recognized as outstanding examples of professional skill in the field of personnel security evaluations. This crucial effort, which is the foundation for today's personnel security program within the department and the foreign service had to be completed by a target date established by the White House.
>
> "In achieving this monumental task of reviewing and revalidating security clearances for thousands of employes, Mr. Otepka demonstrated exceptional executive ability in directing, training, and evaluating subordinate personnel and in other factors of managerial skill which contributed to the creation of a productive and efficient organization.
>
> "From its inception, the Federal Employes Security Program has been a controversial issue. Its objectives have been widely misunderstood and misinterpreted. In addition to the handicaps of inexperienced assistants, paucity of standards, and shortage of time, Mr. Otepka was obliged to combat these misunderstandings and misinterpretations. This he accomplished as a result of his ability to interpret and apply security laws and orders in a 'down-to-earth,' level-headed manner, thereby avoiding much of the adverse publicity and contention which was associated with similar programs in other federal agencies.
>
> "Other assignments of the officer which were completed during the period under review and which were of importance both to the department and to the internal security of the United States are of such a nature as to preclude for security reasons their inclusion and discussion in this record. Mr. Otepka has approached each of these assignments in the same reasonable manner and in each instance has concluded them in a manner that reflected credit upon the Department of State. . . .
>
> "His knowledge and experience of the entire security field resulted in his designation as the department's representative on the Subcommittee for Protection of Classified Government Data, Interdepartmental Committee on Internal Security. He has also served as the department's alternative representative on an ad hoc high-level, inter-departmental special committee studying communications intelligence security standards and practices.
>
> "His services as a 'staff' adviser and assistant to the director of the Office of Security, the administrator of the Bureau of Security and Consular Affairs and to secretarial-level officers of the department can be categorized as truly indispensable. Mr. Otepka is a recognized authority within the government on rules, regulations and procedures affecting every phase of the federal personnel security program. He is a veritable encyclopedia of knowledge on communism and other opposing ideologies. He has above-average drafting ability with an unusual facility with words aided by a logical and trained legal mind.
>
> "Mr. Otepka has prepared many of the communications and reports for the secretary, the under secretary or the deputy under secretary for administration relating to persons suspended or separated from the department or the foreign service under provisions of EO 10450. The same is true in connection with investigations made by Congress from time to time of the department's security program either specifically or as a part of a broader study.
>
> "Mr. Otepka's understanding of the numerous and highly complex directives applicable to personnel security and his ability to interpret them practically and realistically has prevented his superior officers from stumbling into security administration pitfalls. He has sense for detecting danger points and bringing these to the attention of the appropriate senior officials with positive recommendations as to how they can be avoided.
>
> "His persistent exposition of the difference between 'security' and 'suitability' risks, for example, has enabled the department to steer clear of the adverse publicity and embarrassment resulting from improperly reporting personnel security action to the Civil Service Commission and the subsequently attendant 'security numbers game' fiasco. For this, he has been cited by the administrator of SCA—Mr. McLeod, in his testimony before appropriation committees of Congress (Hearings Before the Subcommittee of the Committee on Appropriations, House of Representatives, 83rd Congress, Second Session).
>
> **"The improved relationships which the department has enjoyed with the Congress on matters relating to personnel security during the past year or two are due in no small part to the outstanding staff work done by Mr. Otepka in compiling and presenting full and complete information to the interested committees and individuals concerned"** (emphasis supplied).

The late Secretary of State John Foster Dulles commended Otepka for "meritorious service, loyalty and devotion to duty. . . ."

Award from Dulles

On June 19, 1957, the Performance Rating Committee, after considering the recommendation for an "Outstanding" rating for Mr. Otepka, decided that because of the "very stringent and limiting" criteria for an "Outstanding" rating Mr. Otepka's performance should be rated as "Satisfactory." In lieu of the "Outstanding" rating, for which he was recommended, Mr. Otepka received a Meritorious Service Award from the secretary of state, John Foster Dulles. This award, dated April 2, 1958 and signed by Mr. Dulles read as follows:

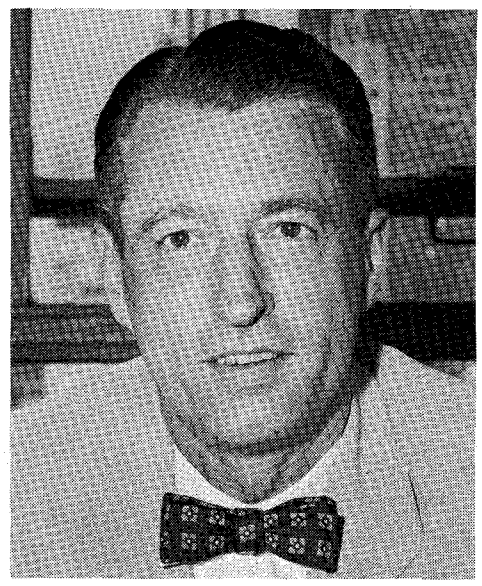
> "Department of State, United States of America, Meritorious Service Award. Otto F. Otepka. For meritorious service, loyalty and devotion to duty as chief, Evaluations Division, Office of Security. Outstanding display of sound judgment, creative work and acceptance of unusual responsibilities, has reflected great credit on himself and the department and has served as an incentive to his colleagues."

For the period December 1956-1957, Mr. E. Tomlin Bailey, director of the Office of Security, submitted the following appraisal of Mr. Otepka's performance as deputy director:

> "Mr. Otepka moved into his present position about the middle of April 1957. He has been constantly called upon by me for advice and recommendations, drawing upon his exceptional security background and high ability. During the whole period that he has served as deputy director we have had a shortage of senior personnel. This has required an unusual amount of detail work by him and placed upon him a primary burden in connection with the inspection of the Division of Evaluations by the foreign service inspectors. The inspectors and I relied upon him far more than anyone would ordinarily expect because of his knowledge of how its duties fitted into the other work of the office. In recent weeks, he has devoted his major effort to the study of the department's probably most celebrated security case. This has required a full application of his legal training as well as the characteristics already mentioned."

For the period December 1957-1958 Mr. Bailey filed the following appraisal of Mr. Otepka's performance as deputy director:

> "I depend very heavily upon Mr. Otepka for substituting for me and advice. His long experience in the personnel security field places him among the top operating officials in this field in all of government. Much of his effort in the past year has been in the study and evaluation of the most difficult personnel case we have had in my experience, one which has been complicated from the points of view of both law and equity because of procedural errors and lack of action over the past 13 years.
>
> "In spite of the demands of this case, Mr. Otepka has taken upon his shoulders an increased share of the operating responsibilities over these he carried at the beginning of the rating period. In addition, he has continued to serve successfully as the department's representative on an interdepartmental working committee on the application of EO 10501, the basic document providing for the protection of information by classification procedures, proper storage, controlled transmission and release."



Otepka objected to the fact that Foreign Service Officer John Stewart Service (above) was "honorably retired" from the State Department despite his questionable release of classified documents.

(The "most difficult personnel case" referred to by Mr. Bailey was the case of John Stewart Service.)

For the period June 18, 1959-Sept. 30, 1960, Mr. William O. Boswell, director, Office of Security, filed the following appraisal of Mr. Otepka's performance as deputy director and acting director during Mr. Boswell's absence:

> "Security being a new field for me, I have relied heavily on Mr. Otepka's advice and recommendations. He has had long experience with and has acquired an extremely broad knowledge of laws, regulations, rules, criteria and procedures in the field of personnel security. He is knowledgeable of communism and of its subversive efforts in the United States. To this he adds perspective, balance and good judgment, presenting his recommendations and decisions in clear, well-reasoned and meticulously drafted documents. "He has brought these attributes to bear during periods totalling almost four months when he has been acting director in my absence and throughout the rating period as the State Department representative on an intragovernmental committee concerned with security matters."

Mr. Otepka has received no performance ratings for the periods subsequent to the one ending Sept. 30, 1960. He attempted to secure such performance ratings by taking the matter up with his superiors, Mr. Boswell and Mr. Reilly, but without avail. Mr. Boswell subsequently testified before the Senate Internal Security subcommittee that he had made up his mind he was not going to give Mr. Otepka a performance rating unless he was directly ordered to do so by his superior, Mr. Crockett.

Pattern of Harassment

On May 31, 1963, however, John F. Reilly, deputy assistant secretary for security, certified over his signature that Mr. Otepka's "work is of an acceptable level of competence," as a result of which Mr. Otepka was granted an administrative pay raise effective June 9, 1963.

In addition to the foregoing complimentary performance ratings and the meritorious service award received from the secretary of state, Mr. Otepka received other official commendations during the years 1955-1962.

A series of events, beginning as early as 1960, demonstrate that there was a design and purpose on the part of the appellant's superiors to "get rid of Otepka." Standing alone, none of these events would be conclusive; taken together, however, they establish a pattern fairly leading to the conclusion that Otepka's superiors at first un-

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dertook to diminish his influence and restrict his activities in security matters, and subsequently embarked upon a scheme to remove or purge him from the Department of State by a specious assignment, by harassment and by contrived charges of wrongdoing.

The events further reveal the motivation for this attack upon Otepka. Briefly stated, the motivation was that Otepka's insistence upon the observance of sound and proper security practices, and his proper refusal to approve the employment or retention of persons of dubious character and background, conflicted with the desires and policies of his superiors and of others in high places.

In October 1960 Mr. John W. Hanes Jr., administrator of the Bureau of Security and Consular Affairs and Mr. William O. Boswell, director, Office of Security, requested Otepka to undertake a special project, which was to bring up to date the personnel security files of all Department of State employes, correlating and bringing together in those files all pertinent and available personnel suitability and security information. It was estimated that this project would take two years to complete.

Special Project

When he assigned Otepka to this project Mr. Boswell requested him to relinquish his position as deputy director in order that he might devote himself exclusively to the review of cases. Otepka declined to step down as deputy director.

Mr. Boswell stated at this time "that he disliked Scott McLeod and that he would take steps to eradicate the Scott McLeod image from the State Department." Otepka had served as a principal assistant to Scott McLeod. It appeared that Mr. Boswell, a Foreign Service officer, felt that during his term as administrator of the Bureau of Security and Consular Affairs, Mr. McLeod had damaged the morale and prestige of the Foreign Service.

By way of background to Mr. Boswell's aversion to the "Scott McLeod image" it should be noted that in 1956 Mr. Otepka, under McLeod's direction, prepared a comprehensive study to identify those cases of employes of the State Department on whom there had been developed significant derogatory information of a security nature, either in the course of FBI investigations, or in the course of State Department investigations or investigations conducted by other agencies.

The study included 858 cases, together with a resume concerning each case. The information with respect to the individuals involved related principally to their sympathetic associations or affiliations with Communists or subversive organizations. Before action could be taken in the matter, however, "Mr. McLeod was appointed as ambassador to Ireland and the list and resumes were consigned to oblivion."

The prospectus for the Hanes-Boswell "special project," which Otepka submitted to Mr. Boswell in writing on May 8, 1961, referred to the 1956 list and resumes and proposed to use this material in connection with the new undertaking. The prospectus also pointed out that much personnel suitability or security information and many relevant security and intelligence reports relating to personnel had not been assimilated into the personnel security files.

Further, it was emphasized that in many cases character deficiencies on the part of employes had developed after security clearances had been granted, but had not been reflected in the files. The prospectus also referred to the fact that in certain cases derogatory information respecting employes in the department or at Foreign Service posts had been treated by their superiors on a confidential basis and withheld from the file of the employe involved.

In May 1961 Mr. Otepka organized a staff to assist him in carrying out the "special project." The members of the staff were Raymond Loughton, Harry Hite, John R. Norpel, Francis Gardner, Billy Hughes, Edwin Burkhardt, plus three

Above, the State Department building in Washington, D.C.

clerical employes including Mr. Otepka's secretary Eunice Powers.

As we shall see, however, the special project was abandoned by direction of Otepka's superiors in April or May 1963. On June 27, 1963, Mr. Norpel and Mr. Hughes were detailed from the Division of Evaluations to the Investigations Division and Mrs. Powers was transferred to a low-level clerical job. The other members of the team were also scattered.

Kennedy Aided

In October 1960 a group of government officials, appointed by President Eisenhower, known as the Sprague Committee and including Allen Dulles, George Allen, Gordon Gray and C. D. Jackson, conducted a survey of United States prestige abroad for the White House. Their report was classified "Secret." The contents of the report were "leaked" by someone in the State Department to the public relations director of the Kennedy campaign headquarters, and the information so obtained was published in the New York *Times* and the Washington *Post*.

Otepka participated in the investigation of this "leak" and the identification of those involved, resulting in the separation of the employe responsibile for conveying the information to the Kennedy headquarters. Subsequent to January 1961 the public relations director who received this classified information from the State Department in an unauthorized manner, and presumably passed it on to the press, became the head of the executive secretariat in the office of the secretary of state.

In December 1960 Otepka was selected to meet with Secretary of State Designate Dean Rusk and Attorney General Designate Robert Kennedy. The meeting took place in the evening, after office hours, in Mr. Rusk's temporary office. No one except Mr. Rusk, Mr. Kennedy and Mr. Otepka was present.

Rostow Appointment

Mr. Rusk informed Otepka that the purpose of the meeting was to discuss with him, as the top professional security officer in the State Department, his views with respect to the requirements of the department's security office for the investigation, evaluation and clearance of presidential appointees to the department. Otepka responded that he "would insist on complete adherence to a rule established by the Senate Foreign Relations Committee in 1954, stating that all executive nominations referred to it at the rank of assistant secretary or higher would be approved only upon certification to the Foreign Relations Committee that the person had been given a current full field investigation by the FBI."

A "question was raised as to whether there would be a strict adherence to the requirements for pre-appointment investigation." Otepka "recommended against the use of the emergency clearance authority—that is, the waiver of pre-appointment investigations for officer personnel to be appointed to the department.

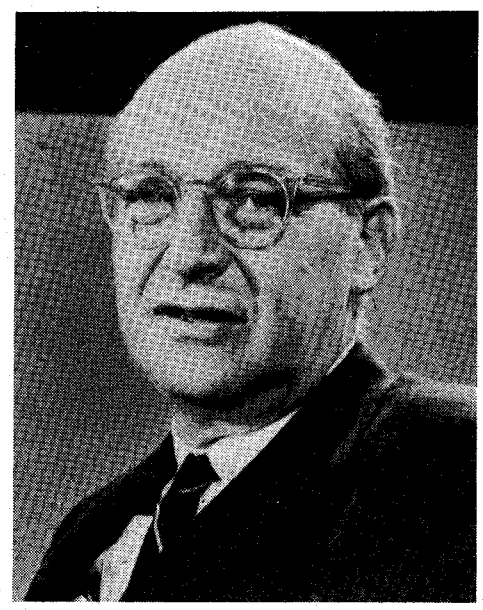
Having ascertained Otepka's general views Mr. Rusk informed him, at the December meeting, that the new Administration was considering the appointment of Walt Whitman Rostow to a key position in the department. He said he had gone over the substantive data in the file, which he had on his desk. Otepka was asked "what kind of security problem would be encountered regarding the appointment of Mr. Rostow to the department." Otepka responded that he was quite familiar with the file and Mr. Rusk accordingly asked for his views.

Otepka's familiarity with the file of Walt Whitman Rostow dated from 1955 when he evaluated Mr. Rostow as a prospective "key person" in a project to be undertaken under the auspices of the Operations Coordinating Board. The project was the formulation of psychological strategy in the Cold War. Persons employed on the project were required to have a security clearance under the strict standards prescribed by the United States Intelligence Board.

RFK: 'Air Force Jerks'

As a part of his evaluation Otepka at this time reviewed the State Department file on Mr. Rostow, the CIA file and the results of reviews given to the case by both the CIA and the Department of the Air Force. The Air Force had previously made a security finding adverse to Mr. Rostow.

As a result of Otepka's findings, Under Secretary of State Herbert Hoover Jr., the chairman of the Operations Coordinating Board, decided that Mr. Rostow would not be utilized as an employe or consultant by



Presidential adviser Walt Whitman Rostow was denied a security clearance, but the White House overrode Otepka's findings and appointed him anyway.

the State Department in connection with the board's project. In other words, Mr. Rostow could not get the necessary clearance under the strict standards applicable to the Operations Coordinating Board.

Subsequently, in 1957, when Mr. Rostow was again recommended for employment in the State Department, Mr. Roderic O'Connor, administrator of the Bureau of Security and Consular Affairs, decided, on the basis of Otepka's 1955 summary, that Mr. Rostow was not desirable for employment. Mr. O'Connor's decision was predicated on the "political policies of the Administration."

After Otepka informed Mr. Rusk and Mr. Kennedy of the background of Mr. Rostow, Mr. Rusk made no comment, but Mr. Kennedy spoke disparagingly of the adverse finding that had been made by the Air Force. Specifically, Mr. Kennedy said "those Air Force guys are a bunch of jerks."

After the new Administration took office in 1961 Mr. Rostow was entered on the rolls of the White House, so that the State Department was not involved in his security clearance. He was investigated by the FBI in connection with his appointment to the White House. Subsequently he was transferred to the State Department. At present he is a special assistant to the President on National Security Affairs.

In September 1960 Charles Lyons was brought into the Division of Evaluations as deputy chief. Both Otepka and the then chief of the division, Mr. Emery J. Adams, objected to the assignment but were overruled.

The prior record of Mr. Lyons is significant. Just prior to his transfer to the position of deputy chief, Division of Evaluations, he had served for about two years as a security officer in Athens, Greece. An inspection of the post revealed that he had failed to disclose to his headquarters that there had occurred at the post 52 security violations involving official and "Confidential" material, 22 security violations involving "Secret" and "Top Secret" matters and approximately 125 security violations involving "Official Use Only" material.

These violations had occurred at different times, over a period of at least a year. Lyons ignored them all, although it was his duty to take action. Overruling the objections of Mr. Adams and Otepka to the assignment of Lyons as deputy chief, Division of Evaluations, Mr. William O. Boswell, the director of the Office of Security, wrote that "Lyons has made a serious error of judgment and must live with the consequences. In view of his demonstrated abilities and very good performance, I do not consider that this single error raises a fundamental question of his integrity, nor does it indicate such a degree of lack of respect for regulations, of reliability, or of judgment, as to warrant the action you propose."

Mr. Lyons advocated the "progressive approach" to security matters. Thus, in an efficiency rating prepared for the rating period ending Sept. 30, 1961, Mr. Lyons

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wrote, concerning the person being rated, and contrasting him with members of another school of thought:

> "In common with other officers in the section, he is inhibited by the ultra-conservative attitude which seems to have grown up in 'the Personnel Security Administration of the department over the past number of years, and which is reflected in the making a monument of tradition, leaving little room for individual opinion or new approaches. The result is that individual personnel security cases must be decided on a strict *corpus juris* basis, and even in their physical format must adhere to strict traditional concepts. Mr.———— personally is of a much more liberal bent, and with the gradual dissipation which is now evident of the old guard concepts which dominated the personnel security program, I feel that Mr. ————is well suited to be in the vanguard of the more progressive approach now demanded.
>
> "He has a commendable distaste for red tape and if he could be made to feel that direct realistic action would not be rejected, he could do much to advance the currency and effectiveness of the Security Program."

The conduct of Mr. Lyons as Otepka's deputy was such that Otepka complained about him to Mr. Boswell. As a result, Mr. Boswell temporarily transferred Lyons into the Investigations Division and then put him on Boswell's personal staff as executive director, thus making him his top executive assistant.

Wieland Case

One of the first cases examined by Otepka in connection with the "special project" was the case of a high-ranking officer, William A. Wieland. In August 1961 Otepka, who had personally evaluated this case, completed an extensive summary and analysis of the case, together with a digest containing some 136 pages.

Otepka's presentation dealt with allegations that Wieland, as the recipient of significant intelligence information indicating that Fidel Castro was a Communist and a person not to be supported by the United States, had concealed such information, made false statements, and exercised extremely bad judgment. The report and digest correlated material provided by Office of Security and FBI investigations, as well as intelligence reports. Otepka recommended that the board of the Foreign Service should consider the case, to determine whether or not Wieland had been guilty of misconduct under the Foreign Service Act.

Otepka presented his report and digest to Mr. Boswell, who had primary responsibility in the matter, but Boswell instructed him to carry the material directly to the office of the deputy under secretary for administration, Mr. Jones. Otepka complied with Boswell's instructions.

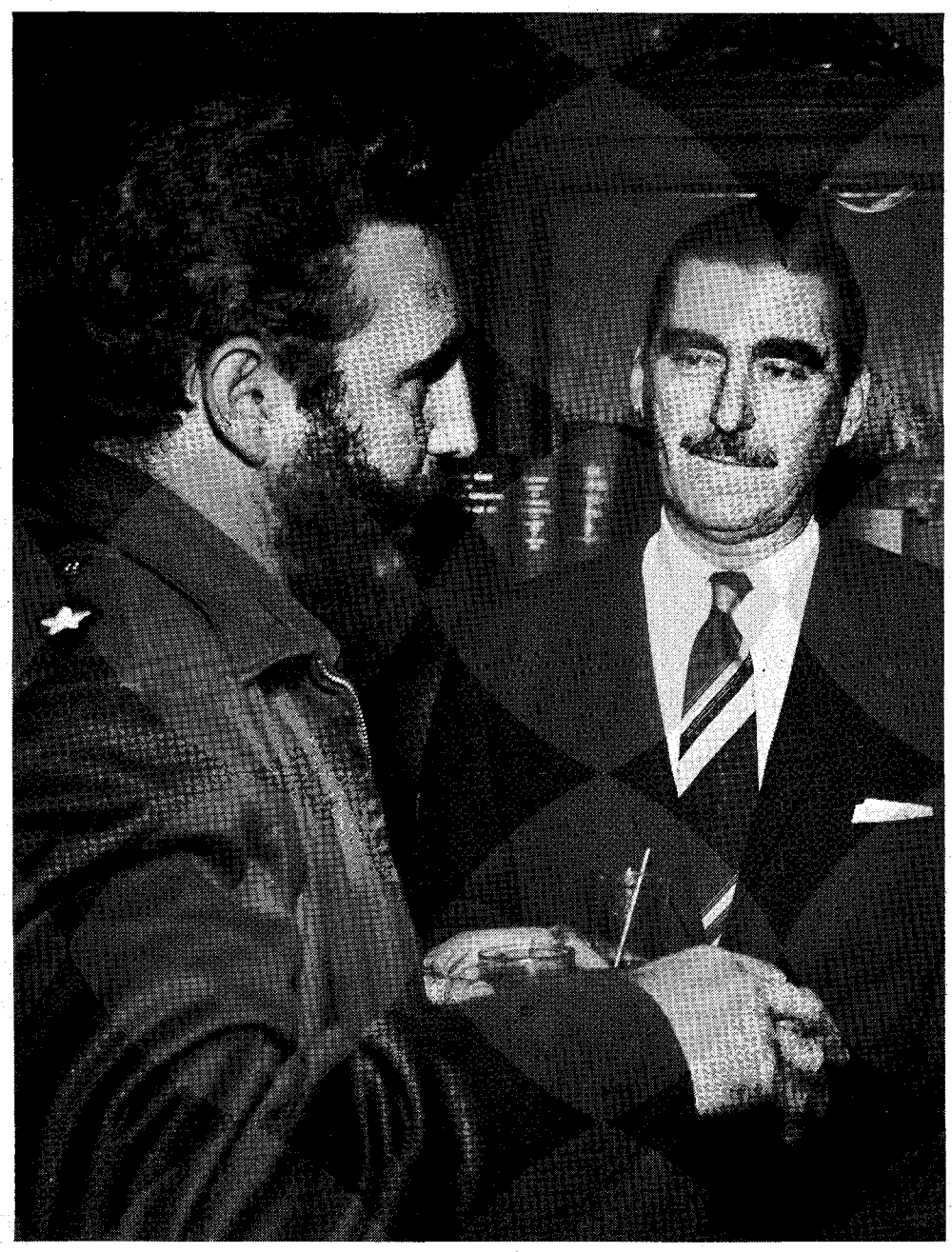
He was also instructed by Mr. Pollack, a member of the staff of the then assistant secretary for administration, Mr. Crockett, to provide a copy of his digest for Abram Chayes, the department's top legal adviser, and a copy for John Siegenthaler, special assistant to Atty. Gen. Kennedy. He furnished the copies as instructed. The connection of the attorney general with the matter was not explained.

Shortly thereafter, in September 1961, Boswell orally instructed Otepka to issue a security clearance on Wieland. Otepka replied that the department regulations and practices required a written decision on his recommendation—which was true—and that he could not act on or close out a case on the basis of an oral instruction. Otepka therefore held the case awaiting further instructions.

Late in October 1961 the Department of State announced in a press release that a general reduction in force in the department would be made, because of reduced appropriations. On Nov. 1, 1961, Boswell sent for Otepka and informed him that 25 persons in the Office of Security would be affected by the reduction in force. He stated bluntly to Otepka "your name heads the list."

He requested that Otepka voluntarily relinquish his position as deputy director in order to avoid a "bumping" procedure, which would enable Otepka to displace another career employe in his occupational specialty, with lower retention rights. Otepka refused to waive his "bumping" rights.

Boswell then sent for Elmer Hipsley, chief of the Division of Physical Security and a friend of Otepka, and told him that "your friend, Otepka, is going to displace you in your position." It turned out, however, that the "bumping" was avoided, when the position of chief, Division of Evaluations, was vacated by Emery J. Adams and Otepka was reassigned to that position, in lieu of becoming the chief of the Division of Physical Security, then headed by Hipsley.



Otepka's report on William Wieland (right) claimed that Wieland had failed to report Castro's Communist affiliations. Above, Castro and Wieland meet in 1959. Wieland says he met Castro only once, but Otepka says Wieland was in contact with the bearded Red at least six times.

Security Reorganization

The reduction in force in the Office of Security, and in particular its impact on Otepka, resulted in an inquiry by Sen. Karl E. Mundt and an investigation by the Senate Internal Security subcommittee. Both Otepka and Hipsley testified during this investigation.

In December 1961 Otepka considered the case of John L. Topping, a career Foreign Service officer who had served in Cuba during the critical period when Castro rose to power. As in the Wieland case, it was alleged that Topping had displayed strong partiality to Castro while downgrading the president of the government of Cuba.

Otepka recommended that the allegations concerning Topping be investigated by the Federal Bureau of Investigation. He pointed out that the State Department investigation of Wieland had been inept, that information about Wieland's past activities had been ignored or glossed over and that some of the investigators who were members of the Foreign Service were sympathetic to Wieland and allowed their sympathy to color their reports.

He said "that the FBI had greater resources in this kind of situation and they had done an excellent job in the Wieland case and [he] thought they should develop all of the leads in the Topping affair." Boswell insisted that Topping be investigated by the Office of Security. After Otepka's removal from participation in the day-to-day operations of the Evaluations Division, Mr. Topping was cleared and became the United States representative to the Council of the American States.

In January 1962 Boswell made a sweeping reorganization of the Office of Security. He abolished the position of deputy director, Office of Security, which Otepka held, and abolished the Division of Physical Security which Mr. Hipsley headed. From the Division of Physical Security Boswell created three separate divisions. He assigned Foreign Service officers to head two of them and made Mr. Hipsley chief of the third. Mr. Hipsley's authority was considerably reduced. Otepka's authority was also greatly reduced, when he was "bumped down" to the position of chief, Division of Evaluations.

As a result of the reorganization there were five division chiefs instead of three. The five men who had been working with Otepka on the special project were transferred with him to the Division of Evaluations. The workload of the Division of Evaluations was such that the special project team was required to give full time to routine matters and the special project was abandoned.

Pointed Question

On Jan. 24, 1962, during a press conference, a newspaper reporter questioned President Kennedy about William A. Wieland, whom the reporter described as a security risk. The reporter's statement was challenged by the President. Immediately thereafter, Boswell instructed Otepka in writing to issue a security clearance for Wieland, and Otepka complied.

In February 1962, however, Otepka developed new evidence indicating that Wieland had made a false statement to Otepka and co-evaluator Harry Hite with respect to the number of times that Wieland had personally met with Fidel Castro. Accordingly, Otepka recommended to Boswell that the Wieland case be reopened, reinvestigated and readjudicated. Boswell ignored the recommendation.

Upon resuming his position as chief of the Division of Evaluations and taking immediate charge of the work of that office, Otepka reviewed the clearances that had been granted to high-ranking appointees of the Department of State in the year 1961. He found gross irregularities in the handling of these clearances.

The irregularities involved the granting of emergency clearances or waivers to persons who were being assigned to positions or nominated to positions on the presidential level requiring Senate confirmation. Waivers of investigation had been granted to persons who should have been investigated before appointment, because there was unresolved derogatory security information in their files. Clearances had been backdated so that they would conform to the actual dates when the persons cleared entered on duty. Otepka also found cases in which waivers had been back-dated, some of them as much as 40 days.

Otepka reported these matters to Mr. Boswell orally in February 1962. Although the procedures followed were in violation of regulations, Boswell was not impressed, but said in substance that these cases had been handled according to the prerogatives of management, and that Otepka was not to interfere.

Backdated Clearances

On March 17, 1962, Otepka gave Boswell a memorandum describing the cases which he had uncovered. Boswell at this time instructed Otepka not to participate further in the survey but to turn everything over to him and he then turned it over to the Foreign Service Inspection Corps for investigation.

This investigation confirmed the statements made by Otepka. In fact, it was discovered that in one case a clearance had been back-dated 135 days, and in another case the clearance had been back-dated 65 days. There were 152 waivers and 44 back-dated clearances.

On March 8, 1962, in the course of testimony before the Senate Internal Security subcommittee, Mr. Boswell and Mr. Jones both denied any knowledge of the back-dating of clearances. On April 12, 1962, Otepka testified before the Internal Security subcommittee that he had brought the matter of the back-dating irregularities to Boswell's attention orally in the latter part of February 1962, and later had given him a memorandum in which a number of cases were identified. Otepka's testimony squarely conflicted with the testimony of Boswell.

The findings of the Foreign Service investigators with respect to back-dating irregularities were reported to the Senate Internal Security subcommittee in March, April and May 1962.

On March 8, 1962, Otepka sent Boswell a summary evaluation of a prospective presidential employe. The summary recited among other matters that in November 1960 the prospective nominee had picked up his wife bodily, carried her from their house into a public street, kicked her and had then taken her clothing from the house and strewed it on the lawn, over the shrubbery and into the street. The episode was witnessed by neighbors and was reported to the police.

Boswell returned the summary to Otepka with a note stating "the gory details of a family fight have nothing to do with security or suitability." The summary was therefore rewritten and the information concerning the episode in question was deleted, except for a brief reference to it without details. As a result the matter was not fully and properly brought to the attention of the secretary of state.

This incident troubled and confused the evaluators on Otepka's staff who, in the past, had been instructed by their superiors to present all pertinent information relating

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to security and suitability and to the pre-employment personal conduct of individuals under consideration, for the specific attention of the responsible managerial officials. Deletion of such information was a violation of the professional duty of evaluators to report the facts in an objective manner.

In April 1962 Boswell transferred from the jurisdiction of Otepka the functions of receiving, reviewing, evaluating and disseminating intelligence information received from the FBI, the CIA and other intelligence agencies.

This function was important to the accomplishment of the work being carried out by Otepka. This had been pointed out in February 1962, in testimony before the House Judiciary Committee by Mr. John W. Hanes. Mr. Hanes emphasized the importance of the correlation of all available information by evaluators.

SISS Hearing

In his testimony before the Senate Internal Security subcommittee in April 1962, Otepka testified to the facts with respect to the handling of the Wieland case by the Department of State, so far as he knew them. Following Otepka's testimony, on April 12, 1962, the record shows that the following statements were made:

"Sen. Hruska: I want to say I have been very much impressed with your testimony, Mr. Otepka, and the fashion in which you have comported yourself here. It has been a difficult field you are in, stretching over many years, with, of course, voluminous records and complicated procedures, and I thought that it was very well done.

"Mr. Otepka: Thank you, Senator.

"Mr. Sourwine: And I would like to add that I may have been a little rough on Mr. Otepka today, for which I apologize, as far as anything personal is concerned. I have been trying to get the facts into the record. I think Mr. Otepka has done a magnificent job of trying to protect those matters which he feels he is required by the department to protect, and at the same time I will say frankly I think he has gone a long way towards putting his neck on the chopping block by answering those questions which he felt he could answer.

"And I want to suggest on the record for this member here and for those who were not here but who will read it, to me the record seems to indicate that Mr. Otepka is on the downgrade in the State Department. He is being shunted aside. He is being given lighter and lighter responsibilities. And I can come to no other conclusion than the fact his conduct in the Wieland case and other cases and his insistence upon what he considers good security is harming his career in the State Department. And I think that is a matter most to be deplored, and I urge the committee to do whatever it can."

On April 16, 1962, Mr. Boswell was succeeded as director of the Office of Security by John F. Reilly. Just before his departure Boswell obtained and examined the security file on John Paton Davies. Although he asked Otepka questions about the file, he did not disclose the purpose of his study.

Davies was a career Foreign Service officer who had been dismissed as a security risk under Executive Order 10450. The charges against Davies involved alleged disclosure of classified information and sympathy with the cause of Chinese Communists. Otepka had evaluated the case in 1954.

John F. Reilly had served as an attorney in the Department of Justice from 1951 until 1961, when he transferred to the Federal Communications Commission. After serving for approximately 11 months with the Federal Communications Commission he transferred to the Department of State as Boswell's replacement. He was recommended to the Department of State by Mr. Andrew Oehmann, who was executive assistant to Atty. Gen. Robert F. Kennedy.

In a conversation shortly before Reilly came on duty, Boswell told him that he

J. G. Sourwine, chief counsel of the Senate Internal Security subcommittee, conducted the panel's lengthy interviewing of Otepka.

had been having difficulty with Otepka, that he was concerned about leaks from the Office of Security to the staff of the Senate Internal Security subcommittee, for which he suspected Otepka was responsible. He said specifically that he believed Otepka had informed the subcommittee about the back-dating of waivers, that he was upset or concerned about that.

It was Reilly's definite understanding from Boswell that he, Boswell, had been trying to "get Otepka out"; and Reilly continued this effort. In fact, in testimony before the Senate Internal Security subcommittee on Nov. 15, 1963, Reilly admitted that at some time in 1963 he might "well have said . . . facetiously" that he "went down there to get Otepka."

Although Boswell in his subsequent testimony before the Senate Internal Security subcommittee denied that he tried to get rid of Otepka or intended to indicate to Reilly that he was making any such effort, he admitted that he had discussed Otepka with Reilly and that he had in fact found Otepka "troublesome."

War College Ploy

He said that Otepka was troublesome because of his reluctance to accept the decisions of his superiors, and he mentioned the Wieland case matter as one instance of this difficulty. He admitted further that he had refused to give Otepka an efficiency report and was not going to do it unless ordered to do it by Mr. Crockett.

Promptly after he took office as director of the Office of Security Reilly acted to move Otepka out of that office.

On May 7, 1962, he called Otepka into his office and opened the conversation by saying "where is your rabbit's foot?" When Otepka asked what he meant, he said that Otepka had been recommended to attend the National War College course which began in August 1962 and which lasted for 10 months. He asked Otepka to indicate in writing whether he would be willing to attend the War College.

The next day, May 8, Otepka sent Reilly a memorandum stating in part, "I am pleased that I have been accorded this honor which came as a distinct surprise to me in the light of the recent organizational changes in SY." The phrase "the recent organizational changes in SY" referred to the professed intention and plan of the department to utilize Otepka's special talents exclusively in personnel security administration.

Reilly directed Otepka to delete the reference to his surprise and to the recent organizational changes and to submit a statement indicating only his acceptance or rejection of the assignment. Otepka complied with this instruction.

Having received Otepka's revised acceptance, Reilly wrote a memorandum for his superiors, praising Otepka for "his ability and his dedication to the security program," and stating "Selection for the National War College is a high honor for a career officer and offers almost unlimited opportunity for career development. Therefore, although releasing Mr. Otepka will work a hardship on the Office of Security, it is my view that I should not stand in Mr. Otepka's way, and accordingly, I recommend that he be released as he has requested."

Otepka became suspicious of the motivation underlying his assignment to the National War College. Looking into the matter, he found that normally selections for the National War College are made in January and February of the year in which the term of attendance begins.

He was informed that the Office of Personel had given no routine consideration to his selection and that the recommendation in his case had come as a surprise to that office. He was aware also that advanced training in foreign affairs at the War College was not needed in connection with his job in personnel security administration.

He inquired of Reilly as to what his future would be in the State Department in the security field, pointing out to Reilly that persons selected for the War College were returned to their jobs when their training was finished. This was true always with respect to members of the classified Civil Service as distinguished from Foreign Service officers.

Reilly informed Otepka that he would "fill in behind" him with another person, that he had no plans for returning Otepka to the field of personnel security administration and specifically he had no plans for returning him to the Office of Security; that there would be no place for him in that office.

In the light of these circumstances Otepka "smelled a rat"; that is, he concluded that the assignment was being given to him for the purpose of getting him out of security. Accordingly, on June 5, 1962, he orally requested that his nomination be withdrawn; and on June 14, 1962 he formally declined the appointment.

On June 7, 1962, two days after Otepka orally declined the assignment to the National War College, the deputy under sec-

Claiming that Otepka "needed a break," the security specialist's supervisors tried to farm him off to the National War College.

retary for administration, Roger Jones, testified before the Senate Internal Security subcommittee that the primary reason for the assignment of Otepka to the War College was that he "seemed to his prior supervisor, Mr. Boswell and his present supervisor, Mr. Reilly, to be a tired and worried man on whom responsibility had closed in to the point where he needed a break." Jones testified that the purpose of the assignment was to give Otepka "a chance to recharge his battery."

No previous suggestion had been made to Otepka by any of his superiors that he was tired or overworked, or that his battery needed recharging, and in fact he was neither tired, overworked nor in need of recharging.

In June 1962 Frederick Traband was assigned to Otepka's office as his deputy. Traband had been serving in the Division of Investigations, where his most significant experience was in the investigation of cases of State Department employes and applicants suspected or accused of homosexual perversion. Reilly assigned him as Otepka's deputy without consultation with Otepka.

On July 1, 1962, David Belisle was appointed as a special assistant to Reilly, in which capacity he acted as deputy director of the division. Otepka was informed that Belisle was his superior and a person with whom he, Otepka, must consult in order to get to Reilly.

Staff Friction

Belisle came to the State Department from the National Security Agency, where he had served as deputy director of the Security Office. He was a friend of Reilly, who was responsible for bringing him to the Department of State. Traband and Belisle participated in the subsequent surveillance of Otepka, and signed statements from them are attached to the charges preferred against Otepka.

Friction soon developed between Traband and Raymond Loughton, a member of Otepka's staff. Loughton had come to the Department of State from the office of the secretary of defense where he was deputy chief of security. He had wide experience as an evaluator, especially in the field of Communist subversive activities, having served as a ranking evaluator on the Loyalty Review Board of the Civil Service Commission. It was Otepka's wish that in view of Loughton's extensive experience he should share in the administration of the division with Mr. Traband and this was resented by Traband.

In July 1962 the Division of Investigations considered the case of a prospective nominee to a position as ambassador. The individual involved had been the subject of an investigation by the FBI involving fraud against the government. Although the Department of Justice had ruled that no criminal prosecution for fraud was warranted, the file reflected a number of unresolved allegations bearing on the security standards and criteria of Executive Order 10450.

Loughton took the position, and Otepka concurred, that the refusal of the Department of Justice to prosecute was not controlling; that under the regulations the Department of State was required to consider the matter independently, in the context of the security standards. Reilly insisted that the Department of Justice having determined that no prosecution would lie, that was the end of the matter.

After a number of discussions between Otepka and Loughton on the one hand, and Reilly and Belisle on the other, Reilly ordered that the individual be cleared, despite the strong objections of Otepka and Loughton. The unresolved allegations of fraud were never resolved.

The treatment of the matter was not consistent with the regulations. It appeared to Otepka that "Mr. Reilly was simply trying to accommodate someone higher up rather than give rigid application to the security rules and criteria of the State Department."

In July 1962, at the request of Mr. Harlan Cleveland, assistant secretary of state for International Organization Affairs, Otepka talked with him about the case of Irving Swerdlow. Swerdlow had been recommended by Cleveland for a position in the Department of State. Mr. Cleveland and Mr. Swerdlow had served together in the Economic Cooperation Administration (later known as the Mutual Security Agency) and had also been associated at the University of Syracuse.

Question About Hiss

Mr. Cleveland asked Otepka about the delay in the security processing of Swerdlow's appointment. Otepka answered that he foresaw no early completion of the Swerdlow investigation and evaluation. He expressed doubt that clearance could be issued until a number of matters appearing in the records and files could be considered and resolved by the Office of Security, which would take a long time.

Otepka noted that Swerdlow had been dismissed as a security risk by the Mutual

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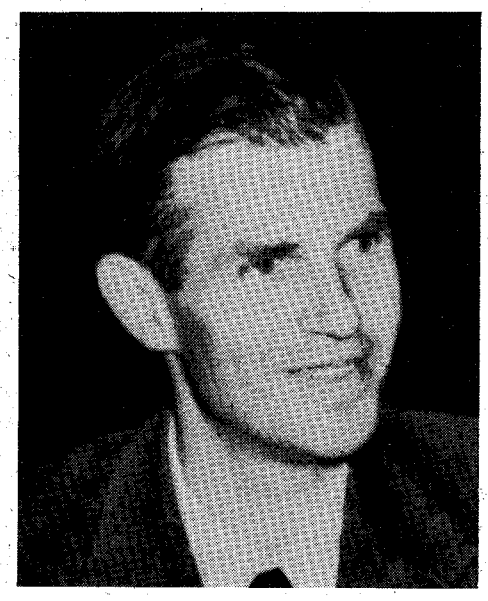


Although convicted felons are normally barred from federal jobs, Otepka says inquiries were made about reinstating Alger Hiss (above) to State Department service.

Security Agency, and that the top security officer in the agency had commented "that Swerdlow's security file was one of the rottenest he had ever seen." Cleveland responded with critical remarks about the administrator of the Mutual Security Agency, Harold Stassen. He said that Stassen had extreme views with respect to security.

Cleveland then asked "if there were any prospects for the re-employment of Alger Hiss in the Unied States government." Otepka said there was no "chance for Alger Hiss to be re-employed in any government agency because by operation of law, a person convicted of a felony is barred from a federal job. Otepka reported his conversation with Mr. Cleveland to Reilly.

Swerdlow was subsequently appointed to a position in the State Department. His case was evaluated by the man who had been described by Charles Lyons in 1961 as of a "liberal bent" and "well suited to be in the vanguard of the more progressive approach now demanded."

Harlan Cleveland

As a result of his conversation with Cleveland and particularly because of Cleveland's interest in Swerdlow and Alger Hiss, Otepka reviewed Cleveland's security file. This review was also prompted by the fact that Emery Adams, then chief of the Division of Evaluations, who had handled the security clearance of Cleveland, had told Otepka that pressure was exerted on him to grant Cleveland a waiver without the completion of a background investigation.

Adams had protested, pointing to the file showing that Cleveland had interceded for 11 employes of the Economic Cooperation Administration and its successor agencies, whose removal as security risks had been sought by the Security Office. Adams recommended that Cleveland be denied a security clearance, but he was instructed to issue a clearance and did so; however, at that time he alerted Otepka to the need for maintaining the proper continuing security surveillance over the activity of Mr. Cleveland in the State Department.

Otepka's review of the file also disclosed that in his senior class year book at Princeton Cleveland had recorded his political affiliation as "Socialist." Further, the file revealed that Cleveland had been highly critical of security procedures and security officers and had been active in recommending reforms in government security programs which "would have made it a lot easier for persons like Mr. Swerdlow to get into the government without adequate background investigation."

Pursuant to his duty to maintain a continuing security surveillance over Mr. Cleveland's activities in the State Department, Otepka established a special file in his office in which he recorded his observations as to the persons Mr. Cleveland was bringing into the department. He placed in the file portions of FBI reports and other reports of security officers of the department or of other agencies.

The file was kept in his immediate office in a small safe adjacent to his desk. As we shall see, this safe was subsequently drilled, opened and searched in the course of Mr. Reilly's clandestine surveillance of Otepka.

On July 30, 1962, the New York *Times* published a letter signed by one Leonard B. Boudin. The letter appeared under the heading "Screening U.N. Employes." In his letter Boudin complained about the security screening of U.N. employes. He said that "the careers of many devoted and brilliant international civil servants were destroyed in the hysteria of the 1950s."

Boudin's Complaints

He deplored the fact that "the United States government is still enforcing President Truman's and President Eisenhower's Executive Orders which screen, on political grounds, American employes of the United Nations and other international organizations. The expressed criteria include membership on the attorney general's list; the sources include derogatory information in congressional committee files; the procedures are based on undisclosed evidence. Such screening is inconsistent with the Charter's principle . . . the present Administration would now score a major achievement if it were to . . . eliminate its so-called loyalty program in the international field." In the course of his discussion Boudin mentioned the resignation of Andrew Cordier from the U.N. secretariat.

Otepka knew that Leonard Boudin had for many years been intimately involved with the Communist party and Communist affairs. He had been active in defending persons against allegations of communism, and had represented certain officials of the United Nations who were dismissed after refusing to answer questions put to them by the Senate Internal Security subcommittee.

An official in the Department of Justice sent Reilly a clipping from the New York *Times* containing the Boudin letter of July 30, 1962. The clipping, covered by a Department of Justice "routing slip" with a personal note in longhand addressed to Reilly, reached him Aug. 1, 1962. On Aug. 3, 1962, Reilly initialed the slip and sent it, together with the clipping, to Otepka.

In August 1962 Otepka was officially informed by memoranda to the Office of Security that Harlan Cleveland wished to set up an Advisory Committee on International Organizations. Mr. Cleveland had personally selected the eight members of the committee. He wished them to be appointed immediately without preappointment investigation—in other words, he wished to invoke the waiver procedures.

Otepka objected, pointing out that earlier in the year emergency clearances had been curtailed and further pointing out that background data on certain of the individuals involved required a full investigation and a careful review of the results of that investigation before their entry on duty. Otepka documented his objections in memoranda to Reilly, one of which, the memorandum of Sept. 10, 1962, is State Department Exhibit 7, which is the basis of Charge No. 1.

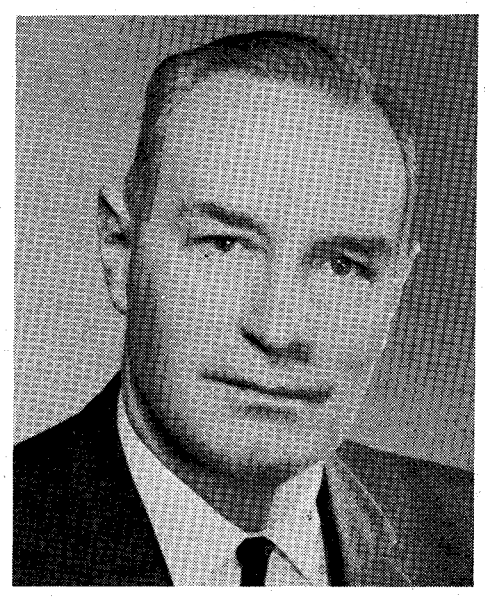
Committee Dispute

Otepka was especially concerned about three of the men selected by Mr. Cleveland for membership on his committee. These three men were Harding Bancroft, Ernest Gross and Andrew Cordier—the same individual mentioned by Mr. Boudin in his letter. The record revealed that one or more of these men had served on the personal staff of Alger Hiss in the State Department, that all three had close and sympathetic associations with him, that they had stated they did not believe in his guilt, and that in their opinion he was not a security risk.

In Otepka's opinion this derogatory security information demanded complete resolution before these persons were appointed. Otepka brought these matters to Reilly's attention by memoranda.

The objections of Otepka were met or circumvented by Cleveland and Reilly, who decided that the members of the committee "would be entered on the rolls of the State Department as consultants, and that they would serve on an ad hoc basis, that the positions to which they would be appointed would be designated as nonsensitive rather than sensitive as initially proposed. Therefore, under the security procedures these individuals could be given assignments in the department without a prior investigation—that is, before appointment—with the explicit understanding that they would be given access to only such information as they needed in the performance of their work on the committee, and not to have any general access to any other information normally available to people in the State Department who have full clearance."

On Feb. 19, 1963, the Advisory Committee submitted a draft report to the Department of State and the report was circulated in the department. Otepka obtained a copy of this draft report from a member of the Bureau of International Organizations, which was headed by Mr. Cleveland. He discovered that recommendations in the draft report coincided with the position taken by Boudin in his letter to the New York *Times*; they would have implemented the suggestion of Boudin that pre-employment investigation of American appointees to U.N. agencies be dispensed with.



State Department official Harlan Cleveland (above) pushed the appointment of many persons before, in Otepka's view, they had received adequate clearance checks.

Otepka observed further that in general the draft report recommended a reversion to the program and procedures advocated and administered by Alger Hiss for the screening of American personnel in the United Nations. In this connection Otepka recalled that in 1946 Hiss had prepared a list of 200 people whose names were submitted by the State Department to the U.N. as possible appointees to U.N. jobs. It turned out that 40 of these persons who had subversive connections were later dismissed from the United Nations, and 26 of the 40 invoked the plea of incrimination while testifying before the Senate Internal Security subcommittee.

Otepka brought the February 19 draft report to the attention of Reilly, and gave him a detailed memorandum setting out the facts and Otepka's views. Otepka never learned what Reilly's views were. "He kept telling me that he didn't have time to read my recommendations and suggestions."

On April 22, 1963, the Advisory Committee submitted a revised draft of its report, from which the recommendations coinciding with the views of Boudin and Hiss had been stricken.

In August 1962 another episode, involving Otepka and proposed appointments to an Advisory Committee, reached a conclusion. This episode began in February 1962 when the State Department's Bureau of Cultural Affairs proposed the establishment of an Advisory Committee on the Arts, consisting of members who would be placed on the rolls of the State Department, and would give guidance to the department's program for sending cultural presentations abroad. The program involved visits to the Soviet Union and its captive nations by United States cultural groups.

The names of 10 individuals who were nominated to serve on this committee were sent to Otepka by the Bureau of Cultural Affairs, with a request that the nominees be excused from completing government security questionnaires and other forms, and be placed on the rolls without investigation, but subject to post-appointment investigation.

Otepka protested strongly, pointing out that it was his duty to enforce the law and that the law required pre-appointment investigations and the completion of security processing forms. He said he would not be a party to any circumvention of required security practices.

He was particularly concerned with four of the nominees, because of their questionable past affiliations with Communist organizations and he demanded that they be subjected to full background investigations and that each of the appointees complete the required forms. These forms required the appointees to state any affiliation they might have had with organizations on the attorney general's list. Otepka was advised that one of the appointees positively refused to submit the forms and another would resist any order requiring him to complete them.

Otepka discussed the matter of the two appointees with Reilly, who "was very anxious to assist the Bureau of Cultural Affairs." Reilly "had the FBI run a special-type investigation without the use, as they normally should have had, of government security questionnaires completed by such individuals." The results of the investigation, which was in fact cursory, were submitted to Otepka.

Reilly tried to persuade Otepka to make a security determination on the basis of this investigation, without the information and explanations that would have been contained in the security forms. Reilly said that the two individuals need not fill out personal history questionnaries before appointment. In a memorandum dated June 12, 1962, Otepka rejected Reilly's proposal.

Flexible Rules?

In this memorandum Otepka insisted that a full field investigation and an interview with each nominee was necessary, in view of their associations with many Communist organizations. He stated "no professionally competent evaluator who knows the Communist movement in the United States can favorably rationalize the conduct of either person from the available data." He pointed out that full field investigations and interviews were required by the regulations, by which professional security officers were bound; and that the intellectual brilliance and distinction of the persons involved did not exempt them from compliance with the rules.

He concluded: "If the present security rules are to be tempered to suit individuals rather than government, then I think someone in authority should change the rules so that those of us on the operating level who must follow rules may not be confused as to how and when to determine the security reliability of the privileged nonconformists as compared to those who do not join or lend their support to Communist causes."

Otepka was overruled by Reilly, who in August 1962 instructed Otepka to grant security clearances to the two individuals. Otepka complied, although security questionnaires had not been filed by the appointees and no adequate investigation had been made.

However, Otepka informed the Office of Personnel of the details of the cases and as a result one of the individuals was not appointed because of the derogatory information in his file, and the other was dropped from consideration when he re-

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fused to complete the necessary forms. The action of the personnel office of course became known to Reilly.

In August 1962 Reilly was promoted to the rank of deputy assistant secretary for security. Belisle continued to hold the title of special assistant, but in fact exercised the functions of deputy director of the Office of Security.

He and Reilly accelerated their harassment of Otepka. Belisle began to send Otepka "all sorts of hand-written notes scrawled on calendar pads, torn ends of paper or on the reverse side of memo pads criticizing [his] evaluations or questioning the content of some of [his] evaluator's reports." Neatly typed correspondence setting out evaluative findings or the position of the Office of Security was returned to Otepka "with inked or penciled notations scrawled across the face of it."

Staff Indignities

Sometimes Mrs. Mary Catucci, secretary to Reilly and Belisle, would relay their instructions to Otepka through Otepka's secretary. On one occasion Mrs. Catucci burst into a rage, cursed Otepka and threw objects around the room. On another occasion she threw herself on a couch and tore her hair. Complaints by Otepka about this behavior brought only the comment from Reilly that this was a personal matter between him and Mrs. Catucci.

The men on Otepka's staff were subjected to the same kind of harassment and indignity. Reilly told Otepka that Gardner was puerile. He told Loughton that there was no future for him in the Office of Security, and he frequently informed Otepka that he, Reilly, had an unfavorable impression of Loughton.

Hite was reprimanded by longhand notes to him from Belisle, criticizing the content of summaries in his evaluation reports. These notes sometimes went directly to Hite without being called to Otepka's attention. Hipsley, who had taken a new position as chief of Domestic Security, found his authority so reduced and he was so harassed by members of his staff who had been brought in by Boswell and Reilly, that he decided to accept an offer from Reilly to go to Geneva, Switzerland, as a conference security officer. He was succeeded by the obscure subordinate, Joseph Rosetti. Rosetti afterwards became a member of the burn-bag team that surveilled Otepka's trash, and a statement from Rosetti is attached to the charges against Otepka.

On the other hand, Otepka's other subordinates, Traband, Sabin and Bock, seemed to be immune from criticism and were frequent visitors to the offices of Reilly and Belisle. At about this time also Belisle was designated by Reilly as his top adviser on personnel security.

In October 1962 Reilly and Belisle issued instructions that field investigators in the Division of Investigations would submit reports of investigations containing only their conclusions as to the nature of information obtained from witnesses. This changed the established security procedure whereby investigators were required to state the testimony of witnesses in detail.

New Procedures

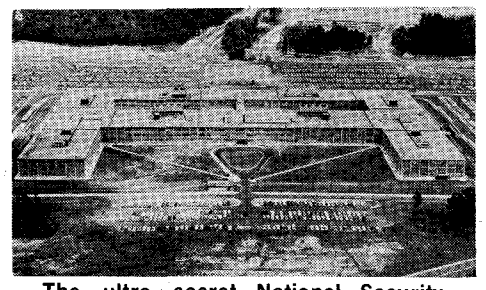
Under the new practice, the investigator merely listed the identity of the witnesses interviewed and then stated that no derogatory information was revealed. The new practice of course made the investigator an evaluator. Otepka protested, upon the ground that investigators were "ill-equipped by lack of training and knowledge to determine what constituted derogatory information." Reilly overruled Otepka and issued an order putting his plan into effect.

This was the origin of the controversy concerning "short form reporting" which afterwards developed before the Senate Internal Security subcommittee and concerning which both Reilly and Otepka testified at some length. The Fogltanz report, State Department Exhibit 9, which is the basis of Charge No. 3, is relevant to this controversy.

Concurrently with his order for short form reporting, Reilly authorized members of the investigation division to grant security clearances to clerical personnel if, in their opinion, a report of investigation on an applicant was entirely favorable. At the same time Reilly delegated to personnel in the file room the authority to receive the results of national agency checks from the Civil Service Commission in the case of clerical personnel, and he authorized emergency security clearances if, in the opinion of the file room personnel, no derogatory information was revealed.

Otepka protested against these orders, as relaxation of proper security practices, but to no avail.

Again, concurrently with Reilly's change in the security practices, Belisle instructed Otepka that with certain exceptions investigative reports should be withheld from the Office of Personnel. This order made it impossible for the personnel office to exercise an independent judgment as to the



The ultra-secret National Security Agency (above) which specializes in electronic counterintelligence, once had as its deputy director of security the same David Belisle whom Otepka accuses of later helping to "get" him.

suitability of an appointee, upon the basis of all the information gathered by the Office of Security. The independent judgment of the personnel office had resulted in the rejection of the two appointees to the Advisory Committee on the Arts, whose files Otepka had sent to the Personnel Office.

The new security practices instituted by Reilly and Belisle were in many respects similar to the practices which had been in effect at the National Security Agency during the period when Belisle was deputy director of the agency's Office of Security. Because of these practices the National Security Agency had failed to detect serious derogatory data in the files of Bernon F. Mitchell and William H. Martin, two cryptology experts who defected to the Soviet Union.

Their defection was the subject of an investigation by the Committee on Un-American Activities of the House of Representatives, which on Aug. 13, 1962, issued a report pointing out deficiencies in the National Security Agency's security practices. The practices criticized were the same as those instituted by Reilly and Belisle, and the deficiencies identified were the same as those pointed out by Otepka to Reilly and Belisle.

Wieland Again

In December 1962, by letter to the State Department, the Civil Service Commission submitted a transcript of a portion of the hearings on the Wieland case that had been published by the Internal Security subcommittee, and the Civil Service Commission advised the department that this transcript contained new data not theretofore considered by the department. This reference from the Civil Service Commission made it mandatory to reopen the case under the provisions of Executive Order No. 10,450, and the pertinent regulations.

After the clearance of Wieland in January 1962 Otepka had continually urged upon Reilly that the Wieland case should be reopened and readjudicated on the basis of new information that had come to Otepka's attention. Upon receipt of the Civil Service Commission letter, Otepka brought it to Reilly's attention.

Reilly called Otepka to his office and asked him how he felt about re-evaluating the case. Otepka said in substance that he had spent a great deal of time as the primary evaluator of the Wieland case, that he had been obliged to concentrate his attention on this and other controversial cases, instead of giving his attention to administrative duties. As a result he said his superiors had used this as an excuse to abolish his position and downgrade him. He explained that he did not wish this to happen again. Reilly told Otepka that he understood his concern.

Otepka said he would assign the case to Harry Hite, a member of his stafff who had served as his co-evaluator on the first occasion when the Wieland case was considered, and that he would review Hite's evaluation. Reilly, however, said he would give the case to Robert McCarthy, that he wanted McCarthy to take a look at it and tell Reilly "what was in it."

Otepka replied that this would be a waste of time, that he was intimately familiar with the case and could tell Reilly what was in it. Reilly insisted that he wanted someone to take a fresh look at the case and the entire file was therefore given to McCarthy. McCarthy was a physical security specialist, not an evaluator.

The Wieland file was given to McCarthy in December 1962. At this time Otepka assigned the case to Hite for him to evaluate "if and when he got the file." McCarthy kept the file until April 1963, when it was turned over to Hite. When Hite received the file it contained no memorandum of McCarthy's conclusions, or any indication of what, if anything, he had done with it.

Inadequate Reports

In December 1962 Otepka complained in a memorandum to the chief of the Investigations Division that the security officer at Caracas, Venezuela, who was a Foreign Service officer, had submitted an inadequate report of investigation on another current Foreign Service officer. It was alleged that the Foreign Service officer under investigation had carried on an extra-marital affair with the wife of an American businessman and that he had also had an affair with the wife of a State Department investigator. There were also complaints that he had exerted his influence to obtain the issuance of United States visas to Venezuelans whose records disclosed Communist activities.

The report stated that the two men assigned to investigate the case had been admonished by their superiors that it might prove embarrassing if all leads were followed out too thoroughly. Robert McCarthy was one of the two investigators. Otepka took the position that a full investigation should be made.

He discussed the case with Reilly, who suggested that the investigation and evaluation be handled with discretion, saying that he knew the investigator's wife who was involved and knew her to be devoutly religious and he could not see how she could have engaged in such activity. Otepka agreed that discretion was indicated but insisted upon full investigation and resolution of the matter.

Otepka's files reflected that in 1957, while posted to the American Embassy at Mexico City, the Foreign Service officer involved in the Caracas incident had been suspended for 15 days without pay, as a result of charges that he had engaged in notoriously disgraceful conduct.

It appeared that he admitted that he had engaged in a sexual liaison with the wife of the ambassador of another nation. Furthermore, in an interview with the American ambassador, he had defended homosexuality and insisted that homosexuals should not be regarded as security risks. Following his brief suspension he had been transferred to Caracas without loss of rank.

Otepka Overruled

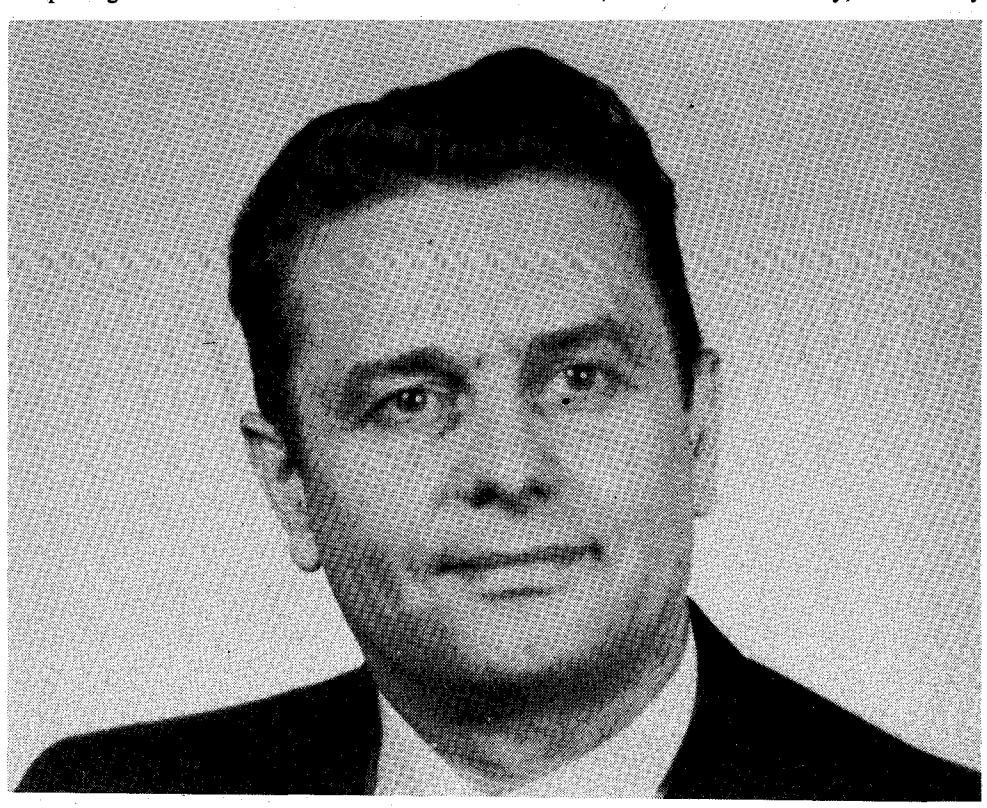
The case of the Foreign Service officer in Caracas was evaluated by Raymond Loughton of Otepka's staff, who recommended that he be removed as a security risk. Otepka concurred in this recommendation in a memorandum dated June 19, 1963. In this memorandum he observed that friends of the Foreign Service officer were protecting him and that the Foreign Service Officer Corps had shown bias and exercised poor judgment in withholding information from the security officer. Among these friends was Robert McCarthy.

Otepka also pointed out that John Ordway, head of the Personnel Office, who had passed judgment on the case, should have disqualified himself because as a friend of the Foreign Service officer involved, he had been interviewed and had defended him. Mr. Ordway, it will be remembered, is the gentleman who signed the letter of charges against Otepka and thereafter held that the charges were sustained.

The Foreign Service officer involved in the Caracas affair was cleared and is still with the Department of State.

The files of the security officer reflected another instance in which McCarthy had withheld information from his reports to his superiors. This occurred in 1961 when McCarthy was stationed at Caracas. The American ambassador's automobile had been attacked and burned by a mob and his briefcase containing classified documents had been stolen. Subsequently, the documents were disclosed to the public by Che Guevara, a lieutenant of Fidel Castro.

McCarthy investigated the incident and submitted his report, which Otepka found "uninformative." Otepka asked for more details, which McCarthy supplied. McCarthy "was apologetic for the ambassador's negligence and for the presence of an alien chauffeur alone in the automobile with these classified documents." Further inquiry by Otepka developed that McCarthy had entirely omitted from his report the fact, known to McCarthy, that shortly



Otepka has served notice he may appeal to the courts if the Civil Service Commission turns down his plea to be reinstated.

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after the theft of the documents an offer had been made to return them for a sum of money.

In January 1963 the assistant secretary for administration, Mr. Crockett, designated Belisle as the head of a management survey team to inspect the functions of the Office of Security with a view to developing any needed improvement and detecting any deficiencies. In this capacity, and without the knowledge of Otepka or any consultation with him, Belisle ordered the "retirement" of valuable card indices which had been maintained in the Office of Evaluations.

These cards were useful tools for the evaluators, enabling them to determine quickly in any given case whether or not there was derogatory information in the files that should be further explored. Belisle insisted that the cards were needless records and that the evaluators could work from the files themselves. He ordered the cards wrapped up, tied and placed in file cabinets, and instructed the evaluators that the cards were no longer available to them for ready reference.

As a result, evaluators were put to great inconvenience, and material in the files concerning applicants for employment was overlooked.

In January 1963 Otepka submitted to Reilly a memorandum of the achievements of Otepka's division, to be included in a formal report to the deputy under secretary for administration. Otepka's memorandum contained a reference to the fact that the Office of Security had detected that emergency clearances for numerous high-ranking appointees had been antedated after Secretary Rusk had signed the waivers of investigation, and that this had led to discovery that many appointees had been improperly appointed without the required background investigation and without a security clearance.

Reilly sent Otepka's memorandum to Belisle with a long-hand note stating "Dave —I strongly question the wisdom of including O.F.O.'s last page [the reference to the emergency clearance matter]. It would make it look as if we were endorsing the jogging he gave Bos. & Roger Jones." The "jogging" to which Reilly referred was Otepka's testimony before the Internal Security subcommittee concerning emergency clearances. Pursuant to Reilly's objection the reference to the back-dating matter was deleted from the formal report to the deputy under secretary.

JFK Aide

In January 1963 Belisle sought to designate Joseph Rosetti to serve as the State Department's representative on the Subcommittee for the Protection of Classified Government Data of the Interdepartmental Committee on Internal Security. This committee was under the jurisdiction of the Department of Justice. Otepka had served on the committee since 1953 and was one of the two senior members.

Belisle said that Rosetti could represent the department's interest better than Otepka, because the functions performed by Rosetti were more akin to those of the committee. Rosetti was a young man whose record and achievements had been obscure until January 1961. He had at one time served as an aide to then Congressman John F. Kennedy.

In the period January 1961 to August 1962 he rose in grade from a GS-12 to a GS-15. After he was notified of his proposed designation to serve on the committee, he came to Otepka and said he was frightened at the prospect of such service, because he lacked the necessary experience. He also explained his position to Belisle, with the result that Belisle left Otepka on the committee but designated Rosetti as his alternate.

Again, in January 1963 Reilly dropped the name of Otepka from the list of key Office of Security personnel who would be available on weekends and holidays and after hours to receive information from the FBI. Reilly substituted Frederick Traband for Otepka on this list. Otepka was the only division chief omitted.

When Otepka spoke to Reilly about the omission of his name, Reilly said he was substituting Traband because Traband was an expert on homosexual matters, but that if Otepka insisted, he would restore his name to the list. Otepka did not insist, feeling that it would be pointless to do so, although he felt also that Reilly's action was a downgrading of him in the department.

Disturbing Transfer

In February 1963 Reilly authorized the transfer of the intelligence reporting function out of the Office of Security to the Bureau of Intelligence and Research. This function had previously been transferred from the Division of Evaluations to the Executive Office of the Office of Security.

The effect of this transfer was that the Division of Evaluations was required to depend upon persons outside the Office of Security to decide what information should be sent to the Division of Evaluations. The result in Otepka's opinion was to deprive the Division of Evaluations of useful information which in the past it had received on a timely basis, concerning the domestic subversive scene.

This information was contained in reports from the Federal Bureau of Investigation on the activities of members of the Communist party and foreign intelligence operatives in the United States. The Division of Evaluations coordinated such information with the personnel security program.

Otepka was especially disturbed by this transfer because he knew that in the Bureau of Intelligence and Research there were a number of persons whose security files reflected activities and associations with Communists. He was concerned also because the transfer had been recommended by J. Clayton Miller, who was an office mate of William Wieland, and shared a safe with Wieland, and whose security file revealed "a very highly questionable background."

It appeared to Otepka that J. Clayton Miller and Wieland were kindred spirits, as well as office mates, and it seemed strange to Otepka that Miller was assigned to survey Otepka's office at the same time Otepka was investigating Wieland. Otepka made his concern known to Reilly and Belisle, but without avail.

The security methods and procedures introduced by Reilly and Belisle became a matter of concern to other sensitive agencies in the government. There were complaints that the Department of State was not adhering to security standards. In particular, the Atomic Energy Commission and the Civil Service Commission complained that the Reilly-Belisle short-cut methods and short-form reports did not provide sufficient information for action to be taken, and did not meet government standards.

Otepka brought this situation to the attention of Reilly and Belisle on several occasions, and also discussed with them the transfer of the intelligence reporting function out of the Office of Security. Reilly and Belisle rejected Otepka's comments, saying they had made their decision. Otepka felt that it would be futile to carry his protests further, since it seemed clear to him that Reilly and Belisle had the full confidence and support of their superiors.

In February 1963 the Senate Internal Security subcommittee called Otepka as a witness. He was notified to appear by the office of the assistant secretary of Congressional Relations, and he immediately notified Reilly of this request. He told Reilly that it appeared to him that he might be asked for his views on State Department security practices and asked for Reilly's guidance. Reilly's response was only that he should tell the truth.

On Feb. 21, 1963, Otepka did appear before the committee and testified to the facts concerning the various reorganizations in the Office of Security and the procedural changes instituted by Reilly. He also testified with respect to his attempts to secure his overdue performance ratings.

In the period from February 1963 to June 1963 Otepka appeared before the Internal Security subcommittee on a number of occasions. Among other subjects, his testimony related to the conduct of the Wieland case, and the back-dating of security clearances.

His appearances were arranged by notifying the State Department that his presence was requested and the record before the subcommittee showed that he had been instructed by his superiors to answer the questions fully and truthfully, and not to withhold anything. Transcripts of Otepka's testimony were furnished to the State Department, and on all of the occasions when Otepka appeared during that period a State Department observer was present.

Careful Witness

Otepka was a careful witness, who endeavored to be precise at all times in his answers and who volunteered nothing. Otepka's attitude disturbed the chief counsel for the committee, Mr. Sourwine, who had "the feeling that he was trying to protect the department, did not want to give any information that would reflect on the department." Thus, at the hearing on March 11, 1963, while Otepka was on the stand, the chief counsel made the following statement on the record:

> "The situation here, Mr. Chairman, is that every now and then we have a witness here who is testifying under oath and I think we have that situation here, a witness who is doing his best to protect the department. And I do not demean him for that. But it gets like pulling teeth to try to get the information. But if we ask the right questions, he will answer directly, because he's under oath. Now, if we get a letter from the Department of State, we will have to give a very careful analysis of the letter and then we will have to talk to somebody about what it means."

In his March 11 appearance before the subcommittee, Otepka testified concerning the proposals of the Advisory Committee on International Organizations with respect to the clearance procedures for Americans employed by United Nations agencies. The committee was interested in the similarity between the proposals of Leonard Boudin and those contained in the Advisory Committee's draft report. Otepka was asked for a copy of the draft report but declined to produce it.

Otepka obtained a copy of the transcript of his testimony and furnished it to Reilly, as he had furnished copies of his previous testimony. Reilly's only comment was "that Mr. Sourwine was meddling in the department's business."

On March 13, 1963, two days after the hearing on March 11 in which Otepka had testified, Reilly arranged for the surveillance of Otepka's burn bags. These arrangements are described in the letter of charges, Document No. 1 in the appeal file.

Burn Bags Searched

Reilly, Belisle and Rosetti together made the arrangements, which were that Traband or his secretary, Mrs. Schmelzer, would notify Rosetti when she was going to take Otepka's burn bag to the depository, she would mark the bag with an "X" and Rosetti would pick up the burn bag at the depository and bring it to Belisle's office, where Reilly, Belisle, Rosetti and another Reilly lieutenant named Terry Shea would examine the contents.

On March 18 Reilly discussed with Elmer Dewey Hill, one of his subordinates, the possibility of intercepting conversations in Otepka's office. His purpose was to find out what was going on in that office, who Otepka was talking to, and what he was saying. Reilly instructed Hill "to see if he could not come up with some technique that would not be too easily detected, and to report back to me."

Thereafter Hill repositioned the wiring in Otepka's office telephone, so as to convert it into a listening device. This modification or installation was disconnected two days later after Otepka made a complaint about trouble on his telephone line. Reilly ordered the installation disconnected, one reason for this order being that he was afraid it might be discovered. The wiring was disconnected by Hill in the evening, while Reilly stood outside Otepka's office as a lookout.

'Bugging' Denied

While the installation was in place Hill listened in from time to time and two reels of tape, recording Otepka's telephone conversations, were made. According to Hill's subsequent testimony before the Senate Internal Security subcommittee he turned these two reels of tape over to an individual who was a stranger to him. He swore that he did this on Reilly's instructions, and that Reilly had someone listen to the recordings.

In his testimony at this hearing, however, Reilly swore that he had no recollection whatever of any interception of Otepka's telephone conversations, or of any recordings, or of hearing any tapes played, or of ordering Hill to turn any tapes over to anybody. His mind, he said, was a complete blank on the subject, and he could neither admit nor deny the truth of Hill's testimony.

He swore also that when he was questioned about the matter by Mr. Ehrlich, of the Legal Advisor's Office, and Under Secretary Ball, in November 1963—approximately eight months after the incident occurred—his memory even then was a blank so far as telephone intercepts and recordings were concerned.

In response to a demand by counsel for Otepka that the State Department produce the recordings and any transcripts made from them, counsel for the department stated that he had been informed that the recordings had been erased and that no transcripts were made. Department counsel further stated "that there has been no identification of the stranger" to whom Hill said he gave the tapes, "although efforts have been made."

Beginning in March 1963 and continuing through May 1963, Otepka, members of his family and neighbors observed that a parked car with a male occupant frequently appeared near Otepka's home or in front of it. When Otepka notified the police authorities, the man never reappeared again. He identified himself as a "credit investigator."

At the time Reilly ordered the surveillance of Otepka's office and of his burn bags Otepka had not done anything wrong, so far as Reilly knew. Reilly swore in this hearing that the reason for his order was that he suspected that Otepka "might be privately furnishing information to Mr. Jay Sourwine, chief counsel of the Senate Internal Security subcommittee."

He said the grounds of his suspicion, in addition to his early conversation with Boswell, in which Boswell voiced similar suspicions, were (*1*) that in a conversation with Mr. Sourwine, shortly after Reilly took office, Sourwine asked him about a pending matter being considered within the department, which Reilly thought was the appointment of Archibald McLeish to the Advisory Committee on the Arts, and (*2*) that early in 1963 Sourwine had told him "shortly we are going to have Otepka here and have him testify concerning the department, and then when that is done, we will probably have a few questions for you."

Safe Opened

On or about March 13, 1963, on orders from Reilly, Otepka's safe was surreptitiously drilled, opened, and searched. Among many sensitive files relating to security problems which Otepka kept in this safe were the security files of Harlan Cleveland and Seymour Janow. When Otepka's burn bags were opened and examined by Reilly, Belisle and Rosetti, Reilly stated that he was especially interested in any papers relating to the case of Cleveland and Janow.

Otepka had the Cleveland and Janow files in his safe so that he might maintain a record of their activities, as his duty required him to do. With respect to Cleveland, he "was interested in seeing who he

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Several of the more common "bugging" devices above may have been used against Otepka.

was recommending for positions in the department."

In the case of Janow, he was holding the file pending resolution of serious derogatory information with respect to Janow. Specifically, there was an allegation that Janow, while an official of the Agency for International Development, had retained a financial interest in a private business which was supplying services to AID, under contract with the federal government.

The file disclosed that the Department of the Army was still investigating Janow's involvement in this possibly illegal venture; but nevertheless, over the objections of Otepka's office, the nomination of Janow to be assistant administrator for the division of Far Eastern Affairs of AID was submitted to the Senate for confirmation, and he was confirmed Feb. 1, 1961.

The submission of the nomination to the Senate before an adequate investigation had been completed was in violation of both the Senate rules and White House policy. Accordingly, Otepka was holding the Janow file so that he might correlate the report of investigation, when received, with the file.

Following Otepka's appearance before the subcommittee on March 19, 1963, Chief Counsel Sourwine told him he had met with Reilly off the record, that he was dubious about Reilly and that he planned to call him as a witness. He asked Otepka if he would suggest questions that could be asked of Reilly.

Otepka did prepare certain questions, based upon published testimony given by Boswell in March 1962, concerning the department's plans to spend large sums of money for electronics equipment, and based also on information given to Otepka by a former department employe, George Pasquale. Pasquale's information related to the conduct of Elmer Hill, who was in charge of the electronics program.

Nighttime Visit

The carbon paper used in typing these questions was thrown into Otepka's burn bag by his secretary. It was retrieved by Reilly and the questions appearing thereon are reproduced and attached as an Exhibit to the [State Department] charges, Document No. 1.

On the night of March 24, 1963, at about 10:30 p.m. when Otepka chanced to be in his office, Belisle walked in, accompanied by Terence Shea, an investigator from the Division of Investigations, who had served with Belisle in the National Security Agency.

They appeared surprised to see Otepka and said nothing for a moment; Belisle then said he thought he had seen a charwoman enter the office and he had followed her. Having been there for some time, Otepka knew that no charwoman or anyone else had come into the office shortly before he entered. Otepka concluded that Belisle and Shea were there for the purpose of conducting some sort of surveillance of his office.

On March 4, 1963, Otepka was visited in his office by George Pasquale, an electronic engineer whose employment by the State Department had recently been terminated on the recommendation of Reilly. Pasquale related to Otepka that in April 1962 he had accompanied Elmer Dewey Hill, a member of Reilly's staff, on a trip to Warsaw, Poland. Pasquale described to Otepka a number of instances of misconduct on the part of Hill during the trip. The misconduct, which had occurred in public, consisted of "vulgarities and obscenities and intoxication."

Pasquale had made a written report on Hill's conduct, but this report was sequestered by Reilly and was not placed in Hill's file. No action was ever taken against Hill, but shortly thereafter Reilly terminated Pasquale's employment.

In addition to his written report, Pasquale orally informed Belisle and Rosetti about the conduct of Hill in Warsaw. Belisle suggested that Pasquale should take his complaint to the Internal Security subcommittee, and Rosetti gave Pasquale the telephone number of the chief investigator for the subcommittee. Pasquale did take the matter up with the subcommittee.

In March 1963 the Civil Service Commission made one of its regular routine inspections, as provided in Section 14 of Executive Order 10450, into the manner in which the security program was being carried out by the Department of State. As was customary, Otepka dealt with the inspector on behalf of the department.

The inspector brought with him a list of files that he wished to examine, among them being the file in the William Wieland case and the file on Elmer Dewey Hill. The Wieland case was selected as a representative security case, and Hill's file was examined because he had taken office subsequent to the last previous inspection.

In connection with the Hill file Otepka advised the inspector to see if it contained any derogatory information. The inspector reported that he found no derogatory information in the file. Otepka then told him about the Pasquale report.

The inspector asked Reilly where Pasquale's report was and Reilly responded that he could not have this information, and "warned him not to get involved in the Elmer Hill case." After representations were made to Reilly by the Civil Service Commission the inspector was given the Hill file but it still did not include the derogatory report.

Late in March 1963, while Otepka's regular secretary, Mrs. Powers, was ill, Mrs. Schmelzer, who was Mr. Traband's secretary, substituted for her. Otepka noticed that Mrs. Schmelzer was "unduly curious" about material in Otepka's safe, containing the security files of Harlan Cleveland and Seymour Janow.

His observation of Mrs. Schmelzer's activities caused Otepka "to suspect by this time that there was something peculiar going on, and I felt that she possibly was a part of a group in my office that had been asked to maintain some sort of a surveillance over me." Because of his suspicions Otepka had the combination to his safe changed. Mrs. Schmelzer was later revealed to be a member of the burn bag surveillance team organized by Reilly and Belisle.

On April 5, 1963, Otepka was instructed to confer, and he did confer with Leo Harris, a staff assistant to the department's legal adviser, Abram Chayes. Mr. Harris wanted Otepka's views with respect to the pending attempt by a former employe of the department, who had been removed as a security risk, to gain reinstatement. The discussion related to the department's regulations precluding the re-employment of any person who had been dismissed as a result of adversary proceedings under Public Law 733.

Mr. Harris told Otepka that Reilly had endorsed a proposed change in the regulations which would permit the re-employment of former employes who had been dismissed as security risks. Harris said that consideration was being given to the re-employment of John Paton Davies, who was precluded from re-employment in the State Department by the existing regulations; that Reilly favored the proposed change which would permit the re-employment of Davies.

Otepka said he was opposed to any such change in the regulations, and pointed out that Davies had been dismissed after a hearing before a Security Hearing Board, that the vote of the Hearing Board was five to nothing for dismissal, and that Secretary Dulles had concurred. The case of John Paton Davies had been evaluated by Otepka in 1954, and it was his findings which had resulted in the dismissal of Davies as a security risk.

Phone Tap?

It will be recalled that just before he was succeeded by Reilly in April 1962, Boswell obtained the security file of John Paton Davies, and worked on it in secrecy. Otepka's conversation with Mr. Harris in April 1963 suggested to Otepka that Reilly was carrying on a project that Boswell had started.

In April 1963 Otepka and his secretary, Mrs. Powers, noticed that Otepka's office telephone "was acting in a very peculiar manner." After dialing, the phone appeared to be dead. On other occasions a loud clattering or clicking was heard, and sometimes audible conversations of strangers on the line were heard. A member of the Domestic Security Divison, called in by Otepka to listen, immediately stated "your phone is bugged." A professional engineer, Stanley Holden, was then called in to check the telephone.

Mr. Holden reported that the telephone appeared to be in a normal condition, but gave Otepka a cautious admonition that it might be tapped. He indicated he did not desire to discuss the matter further because of a possible reprisal against him. Shortly after this conversation between Otepka and Holden, Reilly appeared in Otepka's office, said he heard Otepka had been having trouble with his telephone, and remarked that he had been having trouble with his phone too.

On May 14, 1963, Stanley Holden told Otepka that the room which he, Otepka, occupied contained a concealed listening device which enabled someone at a remote monitoring point to overhear telephone conversations as well as other conversations in the room. He said the installation of this device was ordered by Reilly because Reilly was personally embarrassed by information with which he was confronted in his appearances before the Senate Internal Security subcommittee, that Reilly was upset about Otepka's testimony before the subcommittee.

Holden said that the monitoring was being done under the direction of Elmer Hill, chief of the Division of Technical Services, and that the operation was known to Rosetti, who, as chief of the Division of Domestic Operations, was Holden's immediate superior. Holden added that Belisle had enlisted Otepka's assistant, Frederick Traband, to keep Belisle informed of Otepka's activities and any remarks that he made within the hearing of Traband. At about this same time Otepka received similar information from George Pasquale reiterating that Pasquale had told Otepka before.

On several occasions during the month of May, Otepka noticed that strange sounds were coming from his telephone although the receiver was in the cradle. The sounds were a humming noise, and the sound of voices—in other words, the telephone was broadcasting. Otepka concluded from all of these facts "that there was an organized campaign being directed against me, either to purge me or to embarrass me in some way in connection with my duties."

Several Clashes

During the month of May 1963 Otepka clashed with Reilly and Belisle or Traband in connection with several personnel security cases.

• In one case Otepka and Traband interviewed a prospective appointee concerning his alleged Communist activities, and Otepka recommended against his employment on the ground that he was a security risk. The applicant was cleared after Otepka was ousted.

• Another case involved a prospective appointee to the staff of the United States ambassador to the United Nations. The appointment was pushed by an assistant to Harlan Cleveland. Otepka insisted on full investigation of the individual's past activities, many of which were a matter of public record in the files of the House Committee on Un-American Activities; and in particular, Otepka urged a full investigation of an allegation that this man was involved in running arms and ammunition through the Congo to Angola in support of rebels who were seeking to drive the Portuguese from Angola. Otepka was overruled and the man was cleared and appointed.

• In the third case, although the applicant was unsuitable, Traband argued that Otepka "should yield to reality because the applicant had strong political backing," that it was Otepka's "duty to accommodate the top." The applicant was rejected by the Office of Personnel as unsuitable.

• A fourth case involved the wife of a deputy assistant secretary for Far Eastern affairs. The wife was an applicant for an important position in the Bureau of Intelligence and Research, specializing in Far Eastern affairs. In 1954 Otepka had considered the case of the husband and recommended that he be suspended in the interest of national security. Otepka based his recommendation on the applicant's notorious pro-Communist record on Far Eastern matters and the employment of him and his wife by the Institute of Pacific Relations, an organization which had been cited by the Senate Internal Security subcommittee as a group controlled by persons with Communist background and leanings.

The administrator of the Bureau of Security and Consular Affairs concurred with Otepka in 1954, but they were overruled. The man was not charged or suspended as a security risk. The individual's wife, who was in the department at the time, and whose record was equally bad, subsequently left the department voluntarily and was now, in May 1963, seeking to return as an intelligence specialist. Otepka objected but was overruled by Belisle and Reilly and the lady was appointed.

In two other cases in May 1963 Belisle signed security clearances for two applicants without notice to Otepka and without any proper investigation.

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Full field pre-appointment investigations for all applicants and employes of the State Department occupying sensitive positions were required by law in the absence of a waiver signed by the secretary. Belisle had granted clearances to the two applicants without any full field investigations or waivers.

Having obtained the security files of the two applicants and ascertained these facts, Otepka wrote a memorandum for the record stating that he would accept no responsibility for the clearance of the two persons because he had not been allowed to participate in the clearance processes. He noted that the requirements of the law and the regulations had not been met.

Belisle responded with a scrawled note in blue crayon demanding the files. The note said "give them to me," followed by several exclamation points.

Reilly Testifies

On April 25, 1963, Reilly testified again before the Internal Security subcommittee. Returning to the department late in the afternoon, he went to Otepka's office. He appeared to be upset. He told Otepka that Sen. Dodd "had given him a bad time," after he had testified that Otepka had voluntarily disqualified himself from further participation in the Wieland case.

He asked Otepka if he could confirm to Sen. Dodd or to the subcommittee that he had in fact withdrawn from the Wieland case. Otepka responded that if called as a witness he would testify precisely about his conversation with Reilly concerning his participation in the Wieland case.

Otepka felt it was not necessary to argue the matter with Reilly at that time, since he believed that Reilly well knew when he testified that Otepka had not in fact withdrawn from the Wieland case, and he believed further "that Mr. Reilly was a very devious person who had been working hard to discredit me or to get rid of me in any way he could, and I felt it unwise and very foolish to confide in him that I—what I was going to say in the event I was going to testify before that committee again."

Shortly after April 25, 1963, Mr. Sourwine permitted Otepka to see the transcript of Reilly's testimony of that day. At this time Sourwine told Otepka that all of the senators who participated in the hearing believed that Otepka had told the truth, that he was a knowledgeable security officer who always was properly responsive to the subcommittee's questions, and he further informed Otepka that Sen. Dodd, who had interrogated Reilly closely and at length, thought that Reilly was lying and was being evasive.

Sourwine said that Otepka had always done his best to protect the State Department's interests, had made no criticism of his superiors and had respected the oath that had been administered to him. Sourwine concluded in effect that Otepka "now had a problem."

Reading the transcript of April 25, 1963, Otepka observed that Reilly testified that the Division of Evaluations had been operating inefficiently when Reilly got to the State Department and that Otepka was a bottleneck, that Otepka held many things and did not delegate enough authority, especially to Traband. No such complaint had ever been made to Otepka by Reilly or Boswell, either orally or in writing.

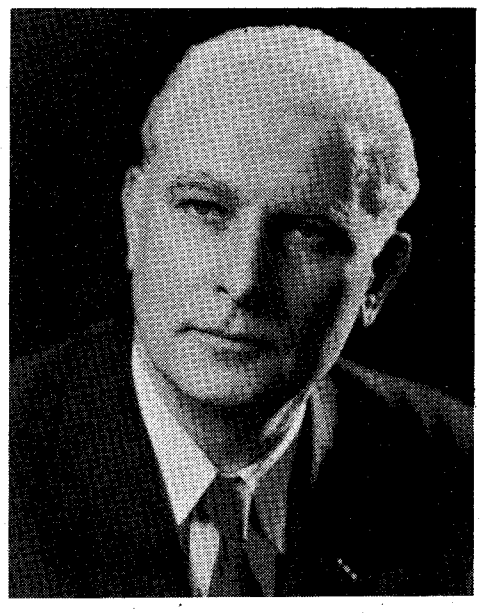
Otepka also read Reilly's testimony, in which Reilly swore that Otepka had voluntarily excused himself from participation in the Wieland case. Reilly also assured the subcommittee that the fact that the Department of Justice had declined to prosecute Wieland for false statements made no difference in the State Department's evaluation of the case. Otepka knew this was not a fact, and it subsequently developed that Belisle had Robert McCarthy prepare a written clearance predicated on the decision of the Department of Justice not to prosecute.

In appearances before the subcommittee on April 30, 1963 and May 21, 22 and 23, 1963, Reilly at one time or another repeated his testimony that Otepka had voluntarily withdrawn from the Wieland case. With respect to the appointments of the members of the Advisory Committee on International Organizations, Reilly testified that Otepka had given him information about only one of the prospective appointees.

He further testified he had not seen the Leonard Boudin letter in the New York *Times*, discussing the matter of security clearances for the staffs of international organizations, until Otepka showed it to him. He also swore that he, Reilly, had obtained and given to Otepka the draft report of the Advisory Committee, which reflected the Boudin proposals.

The facts were that Otepka had not voluntarily withdrawn from the Wieland case, that he had specifically and in writing directed Reilly's attention to the cases of three prospective appointees to the Advisory Committee, that Reilly had received the Boudin article from the Department of Justice and sent it to Otepka with a covering memorandum, and that Otepka had obtained the draft report and given it to Reilly, together with his comments on the contents of the report.

The effect of Reilly's testimony about these matters was, first, to justify the removal of Otepka from the Wieland case, and second, to absolve Reilly of any responsibility for questionable appointments to the Advisory Committee and from responsibility for failure to perceive the similarity between the recommendations in the



Sen. Tom Dodd (D.-Conn.), above, thought that Otepka superior John F. Reilly was being evasive in testimony before his subcommittee.

committee's draft report and the proposals of Leonard Boudin. It was Reilly's duty to correlate the Boudin proposals with the recommendations of the draft report; and having failed to do so, he attempted to pass the matter off by disclaiming knowledge of the Boudin letter and shifting the responsibility to Otepka.

By claiming that he had submitted the draft report to Otepka, he sought to give the impression that he had performed his duty, by alerting Otepka, whereas in fact Otepka had alerted him.

In his testimony of May 21, 1963, Reilly said that Otepka had submitted a memorandum making recommendations for short-form reporting on applicants, that these recommendations had been put into effect, and that Otepka had then testified before the subcommittee objecting to the procedure which he himself had recommended.

The fact was that Otepka had recommended short-form reports on clerical applicants alone, but that Reilly had ordered short-form reports on all non-derogatory cases of State Department applicants, a procedure which in effect turned investigators into evaluators.

When this procedure came under attack before the Senate subcommittee as one involving bad security, Reilly by his testimony attempted "to convey the impression that what he had done was precisely what Mr. Otepka had recommended and therefore, that since he had depended upon Mr. Otepka, Mr. Otepka was at fault." In connection with what he described as Otepka's "recanting" of his memorandum on short-form reporting, Reilly testified further on May 21, 1963, that Otepka struck him as mentally unbalanced and emotionally overwrought.

Following Reilly's appearance before the subcommittee on May 23, 1963, Mr. Sourwine, chief counsel for the subcommittee, communicated with Otepka and asked Otepka to come to see him at his office. As a matter of convenience to Mr. Sourwine, the meeting between him and Otepka took place after Otepka's normal working hours but there was nothing clandestine or secretive about it; in fact, during that same period of time Mr. Sourwine and members of his staff were interviewing other State Department employes with the knowledge of the department. The interview with Otepka was in accordance with the subcommittee's usual practice in preparing for hearings.

In his interview with Otepka shortly after May 23, Chief Counsel Sourwine pointed out to him that there had been sharp conflicts between Otepka's testimony and that of Reilly. He mentioned the conflict with respect to the information Otepka had given Reilly about the members of the Advisory Committee on International Organizations, and showed Otepka marked transcripts reflecting other instances of conflict or apparent conflict. "And I told him that—I forget whether I wanted him to, or the committee wanted him to, but I was attempting to convey to him that it was up to him to put up or shut up—his boss in effect had called him a liar, and if he had any evidence to support what he had told us, I wanted him to bring the evidence in and put it in the record."

Evidence Produced

Otepka said he was sure he could support every bit of testimony he had given, and that he would attempt to produce the evidence to support it. Sourwine gave him copies of the transcript and had them marked to indicate the conflicts, and told him to traverse all of those points, be ready to testify further with respect to all of those points, when he was called back to the stand.

As a result Otepka prepared a memorandum with respect to Reilly's testimony, giving Otepka's comments and indicating the errors in Reilly's testimony. The statements in the memorandum were supplemented by several documents supporting the testimony Otepka had already given.

The memorandum and documents were turned over to Chief Counsel Sourwine by Otepka. The memorandum was keyed to the transcript of Reilly's testimony; that is, the comments in the memorandum were keyed to specific pages of the transcript of Reilly's testimony, and traversed Reilly's testimony on the points in dispute.

According to the letter of charges the typewriter ribbon used in producing Otepka's memorandum concerning Reilly's testimony was retrieved from Otepka's burn bag by the burn bag surveillance team on May 20, 1963. The letter recites that the ribbon was read "and the contents were reproduced" as Exhibit B in the charges. Exhibit B to the charges is in fact the department's own garbled version of the memorandum which Otepka submitted to Chief Counsel Sourwine.

Attached to Otepka's memorandum commenting on and rebutting Reilly's testimony was a five-page memorandum dated Sept. 10, 1962, from Otepka to Reilly on the subject of "Francis O. Wilcox, Arthur Larson, Lawrence Finkelstein, Marshall D. Seymour, Andrew Cordier, Ernest Gross, Harding Bancroft, Sol Linowitz."

Important Memo

This memorandum, which is State Department Exhibit 7, is the basis of Charge 1 against Otepka. It went to the heart of the most important conflict between the testimony of Reilly and that of Otepka. Specifically, it demonstrated that on Sept. 10, 1962, Reilly had received in writing from Otepka information about the eight individuals named in the memorandum, who were prospective appointees to the Advisory Committee on International Organizations staffing and for whom emergency clearances were desired by Harlan Cleveland. Reilly had testified that Otepka had alerted him to the case of only one of the eight individuals.

Also attached to Otepka's memorandum on Reilly's testimony was a copy of a memorandum dated Sept. 17, 1962, from Reilly to George M. Czayo, entitled "Processing of Appointments of Members of the Advisory Committee on International Organization Staffing." This memorandum, State Department Exhibit 8, is the basis of Charge 2 against Otepka.

How Many Names?

It too was directly relevant to the issue being explored by the subcommittee with respect to the conflict between Reilly and Otepka. It demonstrated that Reilly not only had received and understood the information from Otepka about the questions raised with respect to the members of the Advisory Committee on International Organization Staffing, but that Reilly had dealt with the matter himself, by sending a memorandum concerning it to Mr. Czayo. The question of how many individuals on the list had been brought to Reilly's attention by Otepka was an important and material matter pending before the subcommittee.

Although the memorandum of Sept. 10, 1962, State Department Exhibit 7, and the memorandum of Sept. 17, 1962, State Department Exhibit 8, were classified "Confidential," the members of the Internal Security subcommittee and its chief counsel had been granted clearances for access to classified information which entitled them to receive such documents.

The memoranda of Sept. 10, 1962 and Sept. 17, 1962 (State Department Exhibits 7 and 8) contain no investigative data. The only substantive data contained in the memorandum of September 10 (State Department Exhibit 7) consists of references to certain matters which had been mentioned in published reports or hearings of the Senate Internal Security subcommittee or which were otherwise in the public domain, or available to the subcommittee.

The memorandum of Sept. 17, 1962 (State Department Exhibit 8) contains no substantive data whatever with respect to the prospective appointees, but relates for the most part to the procedural steps involved in their clearance.

Short vs. Long Form

Also attached to Otepka's memorandum on the Reilly testimony was a copy of a long-form report dated May 21, 1960, on one Joan Mae Fogltanz, an applicant for a clerical position in the Department of State. This document, State Department Exhibit 9, is the basis of charge Number 3 against Otepka. It was directly relevant to the conflict between Otepka and Reilly with respect to Otepka's recommendations for short-form reporting.

On Oct. 29, 1962, Otepka had submitted a memorandum to Reilly expressing the view that in cases of applicants for clerical positions, such as young ladies fresh out of high school who had no employment history and whose backgrounds were impeccable, long-form reporting was unnecessary and a waste of time. Otepka had given Reilly the lengthy Fogltanz report as a "horrible example" of a long-form report, illustrating what he was talking about in his memorandum.

Nevertheless, over Otepka's objections, Reilly ordered that short-form reporting be adopted for all non-derogatory cases, including the cases of officer applicants. Thereafter Reilly had testified before the subcommittee that his order had only carried out Otepka's recommendation and that Otepka in his testimony before the subcommittee had repudiated his own memorandum to Reilly. In an attempt to support this testimony Reilly produced and turned over to Mr. Sourwine a copy of

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Otepka's memorandum to him dated Oct. 29, 1962.

The Fogltanz report, which Otepka had given to Reilly with this memorandum, demonstrated exactly what Otepka was talking about in the memorandum, and confirmed Otepka's statement that Reilly knew perfectly well what Otepka's recommendation had been.

In his memorandum prepared for Mr. Sourwine and the subcommittee Otepka commented at some length on Reilly's testimony about short-form reporting and Otepka's memorandum dealing with the subject.

In addition to the two documents relating to Reilly's testimony concerning the personnel of the Committee on Staffing International Organizations, and the Fogltanz report relating to his testimony on short-form reporting, Otepka attached to his memorandum various papers and documents that were relevant to other questions which were pending before the subcommittee and concerning which Reilly had testified. Otepka's memorandum also discussed these questions.

Sourwine's Role

The documents produced by Otepka, and specifically the documents referred to in Charges 1, 2 and 3, were directly relevant to questions posed to Otepka by the subcommittee. Had he failed to produce those documents, and particularly had he failed to produce the documents referred to in Charges 1, 2 and 3, he would have failed to respond fully to the questions posed by the subcommittee. Furthermore, documents containing similar information had in the past been furnished to congressional committees, and nothing had "been said about the Truman order [Directive of March 13, 1948] preventing it."

The investigation by the Senate Internal Security subcommittee, in which Otepka and Reilly were involved, was an investigation of security practices at the Department of State. The subcommittee was "trying to get at the facts with regard to the security situation in the department."

As chief counsel for the subcommittee, Mr. Sourwine was responsible for preparing for the hearings by interviewing witnesses, arranging for their appearance, conducting the basic examination of witnesses before the committee, and doing any necessary research. In all of his dealings with Otepka, Mr. Sourwine acted pursuant to these responsibilities, in his official capacity as chief counsel of the committee, and on behalf of the committee.

Any request that he made of Otepka was a request of the Internal Security subcommittee. Moreover, everything said and done by Otepka was in response to such requests. He was not a volunteer witness, but one whose appearance had been requested by the subcommittee, who had been sent by the State Department to the subcommittee and who had testified with the knowledge of the department.

Code of Ethics

Otepka did not take the matter of Reilly's false and misleading testimony up with his superiors, before submitting his memorandum and the attached documents to the subcommittee. In the light of the facts known to him he reasonably believed that for many months his superiors had engaged in or approved a campaign to harass, frustrate and discourage him so that he would abandon his key job in the department's Office of Security.

Taking the matter up through the chain of command would have required him to confide in some of the very superiors whom he believed to be engaged in the effort to purge him from the department. He knew from his long experience that employes of the department who reported on the misconduct of a superior through the chain of command were often pilloried while those guilty of misconduct were protected. In his judgment, based upon his experience, there "was a mutual protective society amongst those whose advice I might have sought."

In making his decision to submit information and documents to the Internal Security subcommittee, Otepka took into account the Code of Ethics for government service which is set out in House Concurrent Resolution No. 175, agreed to by the Senate on July 11, 1958.

This Code of Ethics includes a statement that every government employe should put loyalty to country and to the highest moral principles above loyalty to any party, person or government department. The Code was supported in the Senate by the then Majority Leader Mr. Lyndon B. Johnson, who spoke in favor of it. A copy of the Code was received by Otepka as an attachment to a State Department circular addressed to all department employes.

In his deliberations about what he should do with respect to Reilly's testimony and the subcommittee's requests for information, Otepka also gave consideration to the provision of 5 U.S. Code, Sec. 652(d) that "the right of persons employed in the Civil Service of the United States, either individually or collectively, to petition Congress or any member thereof or to furnish information to either House of Congress or to any committee or member thereof shall not be denied or interfered with."

In determining upon his course of conduct with respect to the subcommittee's request for information, Otepka also considered the question of whether or not his submission of this information would contravene what he knew or believed to be the accepted standard of conduct for employes of the Department of State.

He considered his proposed or contemplated course of conduct against the pattern which he believed to have been established by the conduct of State Department officers and employes which had been approved by the department. He "was familiar with many such cases, and [he] gave consideration to the conduct of those persons with which [he] was familiar and [he] noted that their conduct was excused."

18 Cases

Among these cases in which infractions of regulations or other misconduct were approved or condoned by the department were the following:

(1) The case of John Stewart Service (supra) the Foreign Service officer who admitted that he had furnished 18 documents, some of them classified "Secret," to Philip Jaffe, the publisher of *Amerasia* magazine, a person on whom there was a considerable record of Communist activities and affiliations. Service was honorably retired.

(2) The case of Elmer Dewey Hill (supra) whose misconduct in Warsaw was condoned and covered up by Reilly.

(3) The case of William Wieland (supra) whose misconduct by way of false statements, misrepresentations and concealment of information was condoned by the department.

(4) The case of Charles Lyons (supra) who as a security officer in Athens, Greece, had failed to report a large number of security violations but who nevertheless was appointed deputy chief of the Division of Evaluations.

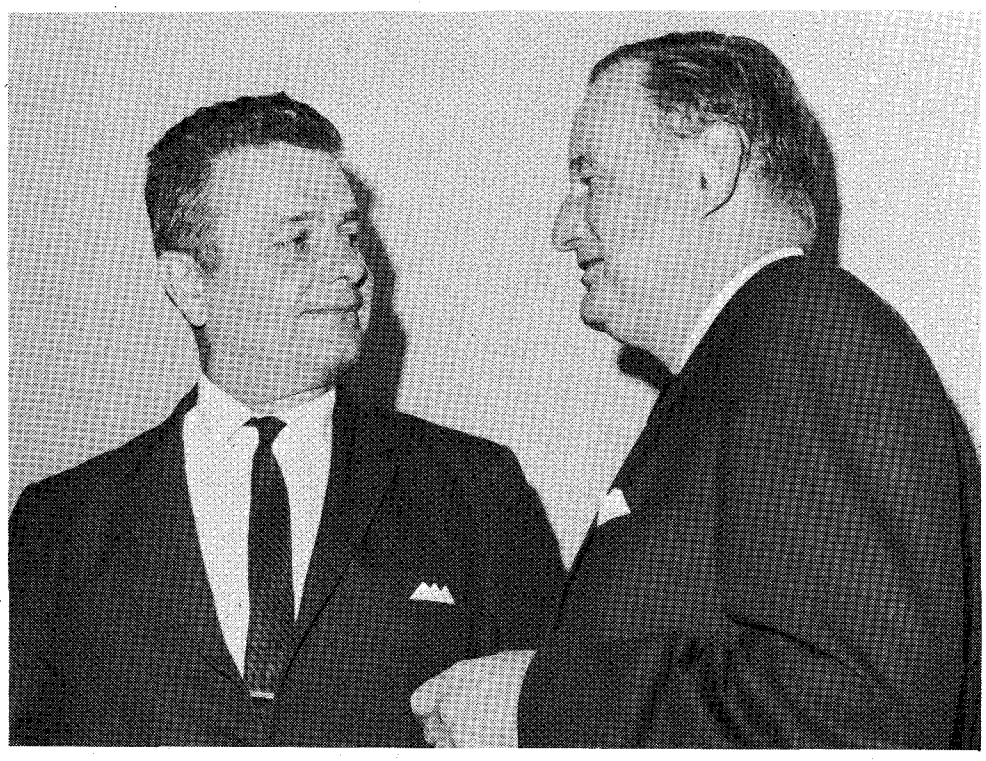
(5) The case of the presidential nominee (supra) who had publicly assaulted his wife and strewed her clothing on the lawn, over the shrubbery and in the street.

(6) The case of Irving Swerdlow (supra) who had been dismissed as a security risk by the Mutual Security Agency, but was appointed to a position in the State Department.

(7) The case of the Foreign Service officer (supra) who, while stationed in Mexico City and again while on duty at Caracas, Venezuela, had been guilty of serious sexual misconduct, including a liaison with the wife of the ambassador of another nation, but whose conduct had been condoned.

(8) The case of Robert McCarthy (supra) who had withheld information from his reports to his superiors concerning the loss of classified documents by the American ambassador at Caracas, but who became a trusted lieutenant of John F. Reilly.

(9) The case of Seymour Janow (supra) who was appointed to high office without resolution of allegations that he had been involved in an illegal conflict of interest.



Otepka confers with his attorney, Roger Robb, during a break in the June 1967 hearings on the case. Without challenging Otepka's statements of fact, the hearing examiner found against him.

(10) The case of the security officer stationed in Moscow who was enticed to her apartment by a Russian woman. The woman turned out to be a KGB agent. Using concealed cameras, the Soviet Secret Police photographed the security officer and his Soviet companion, in bed, both being in the nude. The security officer was then confronted with the photographs and an attempt was made to induce him to spy for the Soviets. He rebuffed the attempt and reported his misconduct to his superiors. Although he had exposed himself to the most elemental recruitment tactics, known to even the greenest novice, he was not disciplined.

(11) The case of a security officer stationed in an Eastern European country. He was married to an American, who accompanied him. He gave lectures to his associates, instructing them to avoid any personal relations with foreign nationals. Nevertheless, he openly consorted with a local woman. His conduct was observed by his associates and reported to superiors. Subsequently, when his wife divorced him for his misconduct he requested the department's permission to marry his alien paramour and permission was granted, notwithstanding the fact that there was information indicating that the woman was a foreign agent. He was not disciplined, but continued as a security officer.

(12) The case of a Foreign Service officer, formerly a security officer, who owned two automobiles when he was transferred to a new post. Although entitled to have only one automobile shipped at government expense, he had the second automobile concealed in a lift van and represented it as household furnishings on the invoice. His case was referred to the Department of Justice for prosecution for fraud, but there was no prosecution and he was not disciplined, except that he was required to pay for the transportation of the second automobile.

(13) The case of a Foreign Service officer who admitted to the security officers of the department and to the department's medical authorities that he had engaged in homosexual acts. The department's medical officers found him unfit to serve abroad because in their professional judgment his homosexual tendencies made him a potential security risk. He was not disciplined, but again sent abroad and assigned to a critical post behind the Iron Curtain.

(14) The case of a Foreign Service officer who, on his application form and in interviews with department personnel, concealed the fact that he had been a member of the Young Communist League and of the Communist party. He is still employed in the State Department.

(15) The case of a Foreign Service officer stationed in an Eastern European post who admitted homosexual tendencies and other personal misconduct but was given responsibility for supervising Marine guard personnel and protecting all safe combinations at the American Embassy. His negligence permitted foreign agents to have access to classified reports at the embassy. He received normal promotions in the Foreign Service and is still in the department.

(16) The case of a Foreign Service officer on duty in the department who borrowed money from the State Department Credit Union and forged the endorsement of a fellow employe, a lady, to his application for the loan. This individual was given an important assignment in the White House.

(17) The case of a Foreign Service officer who, while stationed in an Eastern European country, fathered a child out of wedlock by a national in that country. Boswell, who was then director of the Office of Security, selected this man to be a security officer at a Far Eastern post.

(18) The case of a Foreign Service officer who sexually violated his own daughter but was never disciplined, and in fact was later designated as a part-time security officer at a post which did not have a full-time professional security man.

Pattern Established

All of the foregoing cases were within the personal knowledge of Otepka and they all occurred in recent years, at or about the time of Otepka's difficulties with Reilly. Otepka was familiar with many other cases of a similar nature, in which the conduct of State Department employes had not resulted in disciplinary action.

These cases established a pattern and standard of conduct upon which Otepka was entitled to base his conclusion that his action in furnishing information and documentation to the Senate Internal Security subcommittee was not a breach of the standard of conduct expected of an officer of the Department of State.

Otepka requested John R. Norpel, a member of his staff and a former FBI inspector, to compile pertinent data for use by Otepka in substantiating his testimony before the subcommittee. Norpel reported to Otepka that he had mentioned the assignment to Rosetti, who in turn had reported it to Reilly, and that thereafter Reilly had told Norpel "Otepka is a nut—I came here to do a job and I am going to do it."

Later, in a conversation between Norpel, Robert McCarthy and Rosetti, McCarthy asked Norpel, "Why is Otepka fighting, what is his price to quit? Every man has a price." Norpel replied that no one could buy Otepka for any price and that

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his reason for fighting was to remedy wrongs and to uphold his principles.

Early in June 1963 Reilly again evinced an interest in Otepka's activity with respect to Harlan Cleveland, by sending Otepka a memorandum concerning Cleveland's security file and stating that Otepka had taken no closing action on Cleveland's security clearance. Reilly also stated that Otepka had not answered Belisle's memorandum to Otepka dated Jan. 15, 1963, on the Cleveland case. Reilly accused Otepka of dilatory tactics.

Otepka replied with documentation proving that he had answered Belisle's memorandum within seven days, and he pointed out that Cleveland had been cleared by Secretary Rusk on Aug. 11, 1961, thereby closing the case. Otepka added that if Reilly wanted to know why he, Otepka, as the chief evaluator, had Cleveland's security file in his possession he would be happy to explain it to Reilly. Reilly did not ask for the explanation.

On June 25, 1963, Otepka observed that one of his subordinates, Joseph Sabin, had put aside certain work that Otepka had assigned to him to be handled on a priority basis and was working on the security file on Seymour Janow. The next day, noticing that Sabin again was working on the Janow file, Otepka asked what it was that he was evaluating in that case.

Sabin replied that he had been instructed by Reilly to prepare a chronology of certain events in the case. Otepka noticed that Sabin had such a chronology on his desk. Otepka took the chronology and the file to his desk, where he saw that one item in the chronology made a false reference to Otepka. Otepka handed the chronology to his secretary and asked her to make a copy of it for him.

Shortly thereafter Reilly burst into Otepka's office and shouted to him, "When I assign a case to a member of your staff, I do not expect you to interfere." He accused Otepka of taking the chronology from the Janow file and asked if Otepka had it in his possession. When Otepka acknowledged that he had it, Reilly demanded that he give it to Reilly immediately. Otepka complied. Reilly then asked how many copies of it he had reproduced. Otepka said he had not reproduced any but had intended to do so.

Reilly took the file and the chronology and left Otepka's office. Within a few minutes two porters came to Otepka's office and removed Otepka's Thermofax machine. One of them told Otepka that he was removing the machine on Reilly's instructions.

On two occasions during May and June 1953 Otepka asked Traband whether he, Traband, was keeping Otepka under surveillance. On the first occasion, in May, Traband denied that he had Otepka under surveillance and this ended the matter. On the second occasion, in June 1963, Traband accompanied his denial with an angry outburst to the effect that Otepka had no right to question his integrity. It subsequently appeared that Traband was in fact acting at that time as a member of Reilly's burn bag surveillance team.

On the morning of June 27, 1963, Reilly sent for Otepka and in the presence of Belisle handed Otepka a memorandum stating in part:

> "Effective immediately I am temporarily detailing you to devote your full time and attention to preparing guidelines for evaluators and developing recommendations to me relative to updating and reviewing the Office of Security Handbook. During the course of this temporary detail, you are relieved of your present official responsibilities. You will, for the duration of this assignment, occupy Room 38A05. Such stenographic and/or typing assistance as you will require to carry out these assignments will be made available as you make such needs known to Mrs. Catucci or Mrs. Mitchell."

At the same time Reilly announced to the Division of Evaluations in another memorandum that Belisle would take over Otepka's duties as chief of the division. After handing Otepka the memorandum relieving him of his duties, Reilly and Belisle accompanied Otepka back to Otepka's office. When they arrived at Otepka's office five security officers at once followed, obviously by pre-arrangement. These officers, all members of Rosetti's staff, were Rosetti himself, Robert McCarthy, Russell Waller, Joseph McNulty and Frank Macak.

Reilly asked for the combinations to all of Otepka's safes and when they were produced the five security officers proceeded to change all the combinations of the safes and file cabinets and to close and lock them.

This operation, which took place in view of Otepka's subordinates, was supervised by Reilly and Belisle. While it was going on Otepka sat at his desk. For a while Reilly stood guard over Otepka, then he motioned to Rosetti to take his place and Rosetti did so. Finally Otepka told Rosetti that if he had no objection Otepka was going to lunch. Rosetti said he had no objection and Otepka went.

Files Restricted

Returning from lunch Otepka found his secretary, Mrs. Powers, in tears. She informed Otepka that Reilly had called her in and handed her a memorandum notifying her that she was being transferred to the Washington Field Office where she would be transcribing from dictaphone cylinders. This was a low-level clerical job far beneath her capabilities.

Otepka also learned that Norpel and Hughes, two of his associates, had been detailed by Reilly from the Division of Evaluations to the Investigations Division located in another building. Reilly informed them that they would be assigned to investigative duties.

After learning of the re-assignment of Mrs. Powers, Norpel and Hughes, Otepka went to Reilly's office and asked for an explanation. He found Belisle with Reilly. Reilly at first refused to give any explanation but finally said something to the effect that when he first came on board he had emphasized to Otepka "the need of institutional loyalty."

Otepka replied that he recalled no such lecture, but he wanted Reilly to know that he never had and never would subordinate loyalty to his principles and to his country to loyalty to any institution.

Otepka then asked whether he were to be permitted access to classified information. Reilly said the nature of Otepka's job did not require such access. Otepka asked if Reilly was terminating his security clearance—which would have required a hearing—and Reilly said no, repeating the word "no" several times.

Otepka said there were materials in his office that would be relevant to his work on the handbook. Reilly replied that Belisle would accompany Otepka to his office and assist him in identifying the material that he could use. Belisle did accompany Otepka to his office and spent the rest of the day in going over Otepka's material and deciding what Otepka could keep.

On the following day Belisle announced that Reilly was leaving on a vacation, that he, Belisle, would be acting director of the Office of Security and that he was designating another man, Raymond Laugel, to sit with Otepka during the screening of Otepka's material. Mrs. Powers, Otepka's secretary, also assisted in this work, until Belisle came in and told her to "pick up your things and get out."

Otepka's safes contained many unique and valuable records and files containing personnel security data and information. These records had been collected and preserved by Otepka over the years. Many of them related to persons currently occupying key posts in the Department of State.

Otepka pointed out to Belisle that these records were particularly useful to evaluators in assuring that all relevant information was included in reports, investigations and research data on applicants and employes. Belisle responded that the records were duplications and unnecessary material that need not be kept around cluttering file cabinets; that if an evaluator needed something he could go to a central security file and rely only on that.

Files and records of Norpel and Hughes were also impounded by Reilly on June 27. The combinations of their safes were also changed and the safes were locked. Norpel, however, was permitted to return and retrieve his cigarettes from his safe.

Hughes and Norpel were assigned to routine investigations of low-level clerical applicants. Hughes had been one of Otepka's top evaluators, having been of great assistance in obtaining material on the Wieland case. Norpel, who had served in the FBI for 13 years, including duty as an inspector, was also a top evaluator. Mrs. Powers, who had been Otepka's secretary for 10 years and was an expert stenotypist, was put to work transcribing from dictaphone cylinders.

Other members of Otepka's special staff, Hite, Gardner and Loughton, remained in the Division of Evaluations for the time being, but were transferred to the Bureau of Inter-American Affairs as administrative officers in March 1964. Loughton was informed by Belisle that there was no future for him in the Office of Security and he therefore accepted an assignment as a consular officer in Mexico.

Gardner accepted a similar assignment after finding that there was nothing for him to do in the Bureau of Inter-American Affairs. Hite likewise found no work for him in the Bureau of Inter-American Affairs, and he "just sat around reading newspapers and waiting for the day to pass."

Reilly testified in this hearing that Hughes and Norpel were transferred because "they were close companions of Mr. Otepka" and he wanted to get them out of the Division of Evaluations. He testified also that he knew that Norpel, Hughes, Hite, Loughton and Gardner were all friendly to Otepka or close to him.

On June 27, 1963, instructions were issued that no files from the file room were to be charged to Otepka, Norpel, Hughes or Mrs. Powers. On July 2, 1963, Traband issued instructions that Otepka was not to obtain any file or material from the Evaluations Division. On July 23, 1963, Belisle orally instructed Otepka that he was not to enter the offices of the Division of Evaluations, and that if members of that division wanted to talk to Otepka they could come to the office to which he had been transferred. Later in the day Belisle issued a memorandum to this effect. The memorandum read:

> "This will confirm my instructions given to you on July 23, 1963, that you are not to have access to the space occupied by the Division of Evaluations. In the event that you require any information for the performance of your detail, you may discuss it with myself or Mr. Reilly and we, after determining the need, will make the necessary arrangements."

On July 22, 1963, the day before this order was issued, Belisle instructed the employes of the Division of Evaluations, Special Review Branch, that no information relating to any case being handled in that division should be given to Otepka and no cases should be discussed with him.

10 x 14 Office

Otepka was assigned to a small room some distance from his former office. The room was located on a blind corridor in the Office of Security area, directly across the hall from the electronics laboratory containing all of the department's equipment for electronic intelligence and surveillance operations.

The office had one telephone, which was an extension from the telephone located in an adjoining office where the call bell was also located. When Otepka had an incoming call it was necessary for a young lady in the adjoining office to come in and tell him, and he then would take the call on his extension.

The office, which was approximately 10 by 14 feet, contained two desks, bookcases and file cabinets. Mail reached Otepka through the person next door. None of the usual departmental circulars and regulations, and no classified material whatever, were sent to Otepka. Personal mail addressed to him, including some registered mail, was sometimes opened before it reached him.

For about a year after June 27, 1963, Otepka had no secretary. On June 27, 1963, Reilly had offered the services of his secretary, Mrs. Catucci, the lady who had theretofore cursed Otepka and torn her hair in his presence, but Otepka, not unnaturally, declined to avail himself of her services. In August 1963 Reilly suggested that Otepka might use the services of a temporary summer employe, but Otepka felt that such an employe was not the kind of person he cared to use. The services of Elmer Dewey Hill's secretary were then tendered to Otepka but were also declined.

Finally Otepka was given a dictaphone but without a transcriber, so that his dictation had to be transcribed elsewhere. A transcriber was later supplied to him, but after a short while it was taken away.

Otepka's exile to his little room under these conditions has continued to the present day. Protests by him against his working conditions have been unavailing.

On July 29, 1963, Otepka learned that agents of the Federal Bureau of Investigation were interviewing his former associates, Loughton, Norpel, Hite, Hughes, Burkhardt and Gardner. Otepka was informed by these former associates that the FBI agents had questioned them regarding their knowledge as to whether Otepka had furnished classified data to an unauthorized person, namely, J. G. Sourwine, chief counsel for the Senate Internal Security subcommittee. The former associates denied that they had any such knowledge.

They were also asked if they had seen transcripts of Reilly's testimony before the Internal Security subcommittee and they denied having seen such transcripts, or that they had any knowledge of Otepka's having seen the transcripts.

Otepka's former secretary, Mrs. Powers, was also interviewed by the FBI, and she informed Otepka that the agents questioned her about a portion of an FBI report on Harlan Cleveland and a memorandum prepared by Otepka with respect to Charles Lyons, several memoranda concerning the appointment of certain persons to the department's Advisory Committee on International Organizations, and a note addressed to Otepka by Mrs. Powers setting out information provided to her by Mrs. Schmelzer to the effect that Mrs. Schmelzer suspected that Otepka's telephones were tapped. Mrs. Powers told the agents that all of these papers had either been prepared by Otepka or were in the safe.

On Aug. 12, 1963, Otepka was recalled as a witness by the Senate Internal Security subcommittee, his appearance having been requested by the subcommittee through the office of the assistant secretary of Congressional Relations.

On this occasion Otepka produced his memorandum with attached exhibits, which he had prepared for submission to the committee, and the memorandum with the exhibits was received in evidence and made a part of the official record of the Internal Security subcommittee.

The transcript of Otepka's testimony on this occasion, together with the text of his memorandum and attached exhibits, is printed in Part 20 of the transcript of the subcommittee's hearings, pages 1699-1758, and has been received in evidence as Appellant's Exhibit A in this hearing. The transcript reflects that Otepka testified in part:

> **"Mr. Sourwine:** Mr. Otepka, are you aware that Mr. John Reilly, in his testimony before this committee, controverted many statements previously made by you when you testified?
>
> **"Mr. Otepka:** Yes; I was given to understand that he did.
>
> **"Mr. Sourwine:** Did you have an opportunity to examine Mr. Reilly's testimony, the transcript of his testimony?
>
> **"Mr. Otepka:** Yes, sir.
>
> **"Mr. Sourwine:** Did I furnish you

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with a copy of this testimony and ask you to prepare a memorandum of reply covering point by point all of those instances in which you felt Mr. Reilly's testimony was inaccurate or untrue?

"Mr. Otepka: Yes, sir.

"Mr. Sourwine: Did you prepare such a memorandum?

"Mr. Otepka: I did, sir.

"Mr. Sourwine: You prepared it yourself?

"Mr. Otepka: Yes, sir; I did.

"Mr. Sourwine: Is this it?

"Mr. Otepka: That is the memorandum I prepared.

"Mr. Sourwine: That memorandum is accompanied by certain exhibits Nos. 1 through 13?

"Mr. Otepka: Yes, sir; which were intended to be used by me.

"Mr. Sourwine: The exhibits were furnished by you in connection with the memorandum for the records of this committee?

"Mr. Otepka: The exhibits were intended to be used to refresh my recollection in connection with my forthcoming testimony before this committee of which I have previously been apprised."

On Aug. 14, 1963, Otepka was called to the field office of the Federal Bureau of Investigation to be interviewed by two agents. The interview lasted through the afternoon of August 14, all day on August 15, and throughout the morning of August 16. Otepka was advised at the outset that he was being investigated to determine whether he had been guilty of violations of the Espionage Act, a criminal statute.

Among other things, he was asked whether he had turned over to Mr. Sourwine certain documents which had been in his safe, including memoranda or reports on Seymour Janow and Harlan Cleveland. He denied having turned these papers over to Sourwine.

At the conclusion of the interview he signed the statement which is attached to the charges as Exhibit A. Otepka freely answered all the questions the agents asked him, did not conceal or attempt to conceal anything, and told the truth, because he felt he had nothing to conceal. His written statement, Exhibit A, attached to the charges, was the truth. He admitted turning over documents to Mr. Sourwine, including those referred to in the charges.

Reilly had discussed Otepka with Mr. Alan Belmont of the FBI at some time prior to June 27, 1963, while the surveillance of Otepka's burn bag was going on. According to Reilly he went to the FBI at that time because a summary sheet or a reproduction of a summary sheet from an FBI report relating to Harlan Cleveland had been found in Otepka's burn bag, and it appeared to Reilly "from this reproduction of an FBI report, or indication of it, that there might have been a mishandling of it, and I wanted then to know, and I felt it should be looked into." According to Reilly, at that time, "Mr. Belmont merely thanked me for the information."

In the latter part of July 1963 Reilly conferred again with the FBI; they wanted to know what he knew about Otepka and who might be interviewed in their investigation.

On Aug. 14 and 15, 1963, pursuant to instructions from William J. Crockett, deputy under secretary of state for administration, Reilly issued written instructions to all personnel of the Office of Security that they were not to appear before the Senate Internal Security subcommittee, or have any contacts with or interviews by members of the subcommittee staff, without clearing in advance with Crockett personally.

While he was being interviewed at the offices of the FBI on the morning of Friday, August 16, Otepka received word through one of the FBI agents that his presence before the Internal Security subcor ittee was requested, and he did appe and testify that afternoon. As he had spent the afternoon of August 14 and the entire day of August 15 in the FBI offices, he had not received the Crockett-Reilly orders of August 14 and 15 and did not receive them until the following workday, Monday, Aug. 19, 1963.

On July 29, 1963, in the course of his testimony before the subcommittee, Belisle was asked whether he had any information concerning the interception of conversations in Otepka's office. He replied that he did not. On Aug. 6, 1963, Reilly appeared before the committee and was asked whether he had ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in Otepka's office. He answered in the negative.

The charges against Otepka were served upon him Sept. 23, 1963.

On September 30 Stanley Holden informed Otepka that his present office (Room 38A05) was under "technical surveillance," meaning that the telephone was adjusted to intercept conversations in the room while the receiver was both on and off the cradle. Holden said the telephone operations were directed by Elmer Hill, who had "bugged" the telephones of other employes, including the phone of Holden himself. This information was confirmed to Otepka on October 2 in a conversation with George Pasquale.

On Oct. 4, 1963, Sen. Thomas Dodd, vice chairman of the Senate Internal Security subcommittee, delivered to Secretary Rusk a letter in which he stated that the subcommittee had knowledge of the tapping of Otepka's telephone, how it was done, and who did it.

Reilly suspected that Holden had given information to the Internal Security subcommittee about the tapping of Otepka's telephone. Accordingly, he sent Joseph Rosetti and Robert McCarthy to see Holden at Holden's house.

While there McCarthy questioned Holden about his knowledge of leaks of information to the subcommittee concerning the tapping of Otepka's telephone. In the course of the conversation McCarthy became loud and abusive and shouted at Holden, saying in effect that he was going to get Holden if Holden had been responsible for the leak and would not so inform him.

He asked Holden if he was acquainted with George Pasquale and if he had given Pasquale any information about the tapping of Otepka's telephone. He reminded Holden of his "loyalty, particularly to Joseph Rosetti." This incident occurred in October 1963.

On Nov. 5, 1963, Sen. Dodd stated on the floor of the Senate that the committee had evidence that Otepka's phone had been tapped. He mentioned the possibility of prosecutions for perjury of witnesses who had denied that the tapping occurred. The next day, Nov. 6, 1963, Reilly and Belisle addressed letters to the subcommittee, expressing a desire to "amplify" their previous testimony about bugging and wiretapping.

On Nov. 14, 1963, Belisle appeared before the committee and admitted that contrary to his previous denial he did in fact have specific information about the compromising of Otepka's telephone. On Nov. 15, 1963, Reilly appeared and admitted that his previous denials, with respect to the compromising of Otepka's telephone, had been untrue.

Shortly after his November appearance before the subcommittee Reilly resigned from the State Department by request. He left the payroll in February 1964. On Sept. 1, 1964, after a period of private practice, he became a trial attorney with the Federal Communications Commission, in which capacity he is still employed. Belisle is still employed by the Department of State.

CONCLUSION

THE FACTS that have been recited are clearly established by the evidence. They speak for themselves so eloquently that extended argument and discussion are unnecessary.

Beginning in 1960 there was a schism between Otepka on the one hand and his superiors in the Department of State on the other, caused by Otepka's insistence upon the observance of sound and proper security practices, and his refusal to approve the employment or retention of persons of dubious character and background.

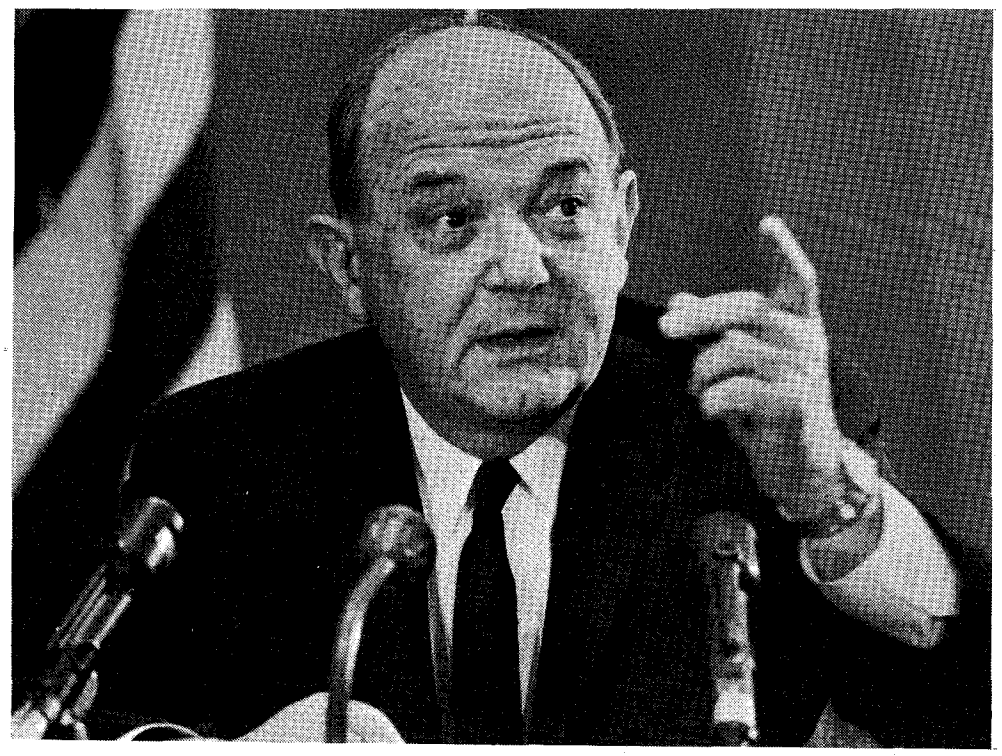
This schism was not a mere disagreement about matters concerning which reasonable men might properly differ. The cases that have been described establish a pattern of deliberate attempts on the part of Otepka's superiors to disregard or violate the security regulations and sound and proper security practices.

The evidence demonstrates that Otepka resolutely and consistently opposed these attempts and that his opposition earned him the animosity of his superiors. No other reasonable conclusion from the facts is possible.

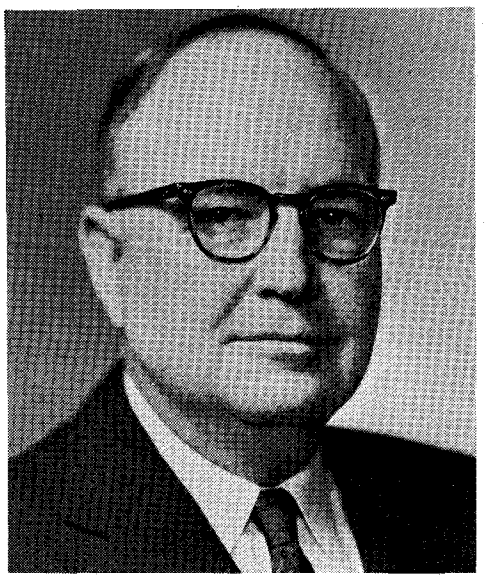
It is not reasonable to conclude, as may be suggested, that Otepka fell into disfavor because he was inflexible and opinionated. His magnificent record and reputation, built up and acquired over the years prior to 1960, belie any such suggestion. Surely a man of his demonstrated ability, integrity and accomplishment did not become overnight an incompetent sorehead, constitutionally unable to work in harmony with his superiors, and consistently wrong.

Nor is it reasonable to conclude that the animosity of Otepka's superiors was produced only by the fact that he furnished information to the Senate Internal Security subcommittee. His cooperation with the subcommittee was a mere excuse, seized upon in an attempt to justify his removal from office.

In this connection it will be remembered that Reilly admitted in this hearing that so far as he knew Otepka had done nothing wrong when on March 13, 1963, he, Reilly, instituted his extraordinary surveillance of Otepka.



Dean Rusk (above) met with Otepka and Robert F. Kennedy in 1960 to discuss security operations in the just-elected Kennedy Administration.



Sen. James O. Eastland is chairman of the Senate Internal Security subcommittee which investigated the Otepka affair.

It is plain that Otepka was an impediment to those in the Department of State who were not in sympathy with the security system and who were determined to disregard or circumvent the security regulations. In furtherance of this purpose they resolved to purge Otepka by fair means or foul. They finally resorted to the tactics of the secret police and the device of synthetic charges.

Private Vendetta?

It may be suggested that the measures taken against Otepka by Reilly and Belisle were the result of a private vendetta undertaken by them without the knowledge or approval of their superiors. The suggestion does not withstand analysis.

It is obvious that the conflict was not between Otepka on the one hand, and Reilly and Belisle on the other, but between Otepka and those in high places whose actions Otepka was properly attempting to restrain. Reilly and Belisle were only the instruments of management policy.

It is not reasonable to believe that their treatment of Otepka did not have the approval and support of their superiors. By the same token, it is not reasonable to contend that Otepka should have appealed from Reilly and Belisle to those same superiors.

No claim has ever been made that Otepka has at any time failed to tell the truth, either in his appearances before the Senate Internal Security subcommittee or in his statement to the Federal Bureau of Investigation, or in his testimony at this hearing.

Moreover, it cannot be denied that in giving to the Senate Internal Security subcommittee the documents involved in the charges against him he was actuated by the highest motives. Specifically, he was correcting Reilly's false testimony; more generally, he was fulfilling his duty to assist the committee in its investigation by telling the truth. He was not a volunteer witness but one who had been regularly and properly summoned by the committee.

In view of the circumstances it is difficult to understand the contention that he conducted himself "in a manner unbecoming an officer of the Department of State," that his actions constituted "a breach of the standard of conduct expected of an officer of the Department of State," and that his dismissal is therefore justified. Assuming that his production of documents was a technical violation of some directive or regulation—which we do not concede—it is plain that many more serious derelictions on the part of officers of the Department of State have not resulted in the dismissal, but rather have been condoned.

The charges against Otepka are a makeweight, contrived in an attempt to destroy an honorable man who has done no more than his duty. The charges should be dismissed and Otepka should be commended for his actions and restored to duty.

Respectfully submitted,
Roger Robb
Attorney for Otto F. Otepka

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Marines dig in near the embattled fortress of Khe Sanh; the North Vietnamese have apparently forced the Marines to assume a defensive military stance rather than the offensive manuevers for which Marines are trained.

Well-Conceived Tet Assault Enhances Gen. Giap's Stature

By GEN. THOMAS A. LANE

The Tet offensive must be counted a significant achievement for Gen. Giap of North Viet Nam. His plan and execution show a high quality of generalship.

The Giap plan recognized that allied weakness lay in the security of rear areas and in the capacity of North Viet Nam forces to penetrate those areas. It respected and avoided the superior power of U.S. military formations.

But Giap also knew that the Americans were super-sensitive to the possibility of another Dienbienphu. He therefore developed an elaborate plan for a feint against Khe Sanh which would attract and hold allied forces while he carried out his assault on the cities.

Like Washington at Trenton, Giap timed his attack to achieve maximum surprise. He prepared in advance by caching weapons and ammunition at assembly points where they could be picked up by his infiltrating fighters. He used the first days of the Tet holiday, when so many Vietnamese were on the move to visit home and family, to cover the infiltration of his own forces to assembly areas. He moved his assault forces into position and struck with telling effect. He achieved surprise.

The whole operation demonstrated high professional competence. It correctly assessed the American predisposition to think in terms of formal combat. It exploited American expectations from prior truce experience that only isolated violations would occur.

It did all that a small and decisively inferior force could do to damage the position and prestige of the allied forces. It warned the people of the continuing Viet Cong capacity to strike anyone anywhere in South Viet Nam. It warned citizens not to support the Thieu government.

Although the Viet Cong apparently made some effort to arouse popular support, these measures were intended only to spread fear and confusion. Gen. Giap knew very well that he had little popular support in South Viet Nam. His operations are designed to subdue the people with fear and not to arouse them with revolutionary fervor. Communist warfare is always a minority operation.

The Tet assault has demonstrated forcefully what we knew all along—that with all our build-up in South Viet Nam, we cannot protect the people from the Viet Cong terror. When, after seven years of war, the United States confronts this reality, will it be ready to quit and withdraw? Will the people of South Viet Nam give up hope of ever achieving security and submit to Communist rule? Giap was fighting not for military victory but for political victory. This demonstration of power would strengthen his hand at the conference table.

Consider the dilemma of President Johnson. He cannot protect the people of South Viet Nam with any conceivable increase of U.S. and South Vietnamese forces in the country. Therefore he cannot pacify the country and restore orderly government.

President Johnson can provide security for South Viet Nam by striking and destroying the North Vietnamese Army, in Cambodia, in Laos and in North Viet Nam but he is deterred by his fears of escalating warfare and Red Chinese intervention. He will not do what is necessary to protect South Viet Nam from aggression, so the aggression continues.

President Johnson is between the devil and the deep blue sea. Can he screw up the courage to face and destroy the devil or will he chuck it all, force a coalition government on South Viet Nam and let Ho Chi Minh have the country? For four years he has continued in a state of paralysis, refusing both alternatives, suffering the losses and dishonor of indecision.

Gen. Giap has made a mighty effort to induce President Johnson to withdraw. He has made a mistake.

President Johnson is not a quitter. The Tet offensive may have persuaded him that the only way out for the United States is to go after and destroy Giap's army in North Viet Nam.

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What Can Take Place of Gold?

From the Chicago *Tribune*

The December figures on the gold drain are every bit as gloomy as expected. Thanks to Britain's devaluation and the ensuing fears for the dollar, our creditors withdrew $900 million of our gold, the largest monthly total on record. Our gold reserve has dropped for the first time to less than half of what it was in 1949. As of January 1, we had only $1.4 billion in gold beyond the $10.7 billion that is earmarked as backing for our paper currency.

Even without a new crisis, we would run out of disposable gold, at the rate things have been going, within two years.

In order to reassure our creditors, and in the hope of preventing new runs on the dollar, Mr. Johnson wants Congress to repeal the law requiring a 25 per cent gold backing for our currency. The House banking committee on February 1 approved a bill to this effect. It has the support of some leading conservatives as well as liberals.

Sen. Williams of Delaware, the Republicans' chief spokesman on monetary matters, included removal of the gold cover in his broad program for saving the dollar. Prof. Milton Friedman of the University of Chicago, once adviser to Sen. Goldwater, told the Senate banking committee on February 2 that he, too, favors abolition of the gold cover.

Don't get the idea that these gentlemen are beginning to see things Mr. Johnson's way. Quite the contrary. They blame his Administration for bringing on the present crisis. But, as a "realist," Sen. Williams thinks that we have no choice at this late date; that it is better to make all of our gold available for the payment of our debts than to renege on these debts.

And Mr. Friedman points out that the gold cover has already been so punctured with loopholes that it is "a snare and a delusion." It represents only 1/30th of the value of money in circulation—a far cry from the 54 years before 1933, when the proportion varied only from 1/5th to 1/12th.

"Clearly," Mr. Friedman said, "the link between gold and the quantity of money has become a rubber band. . . . We should stop misleading the public. . . . Removal of the gold cover will make it crystal clear that the emperor is naked, that there is no effective restraint on the powers of the monetary authorities."

Mr. Friedman suggests abolishing this link entirely, letting gold find its own price, and maintaining a stable dollar by "instructing the Federal Reserve to produce a steady rate of growth" in our money supply—he suggests between 3 and 5 per cent a year. This would presumably keep the money supply from growing faster than the economy.

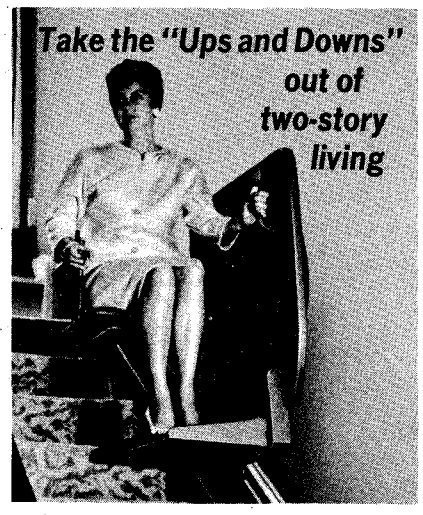
It is quite true that the gold cover has become a farce, like the debt limit—something to be adjusted whenever it gets in the way. It is likewise true that the world is probably off the old-fashioned gold standard for good and that no other system can be free from the itchy fingers of politicians who would soon want to tamper with Mr. Friedman's formula or, perhaps, make the Federal Reserve Board a cog in an administration's easy money machine, as it was under President Truman.

Rickety and inadequate as the gold cover may be, it is a little like a child's belief in Santa Claus. The mere belief in Santa makes a child more likely to behave. Similarly, the necessity of revising the gold cover would at least call an administration's transgressions to its own mind and to the public's.

Abolishing it is only going to postpone the inevitable judgment day. In reckless times like these, any restraint is a help, and it would be a shame to cast off the last remaining tangible link to sound money without knowing what is to take its place.

□ □ □

WORTHY OF RURITANIA—LBJ's proposed travel ban was ridiculed by Hobart Rowen, financial editor of the usually pro-Administration Washington *Post*. "The President's baffling response—an attempt to ban travel in Europe—seems like bandaging your arm when you stub your toe. . . . Our tourist travel to Europe has been the underpinning, moreover, for billions in sales of jet aircraft to foreign flag lines, an item which has helped fatten our export surpluses over the years. . . . We have taken a step worthy of Ruritania, not the biggest and most powerful country in the world."



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More Trouble Brewing in Puerto Rico

By RALPH de TOLEDANO

The *Pueblo* affair may be making the headlines. But for nearly a month security agencies in the United States have been deeply worried over developments on American territory. The target of both the worry and of international communism has been Puerto Rico.

On this beautiful and prospering island, terrorism has struck—the kind that created turmoil and brought bloodshed to Venezuela, Colombia and the Dominican Republic.

The Communist depredations in Puerto Rico are not new. They have been going on for a year. In the last few months, however, the pace of terrorist activity has been stepped up.

For example, on September 30 and Oct. 1, 1967, there were a series of fire-bombings of stateside-owned businesses. Belk Lindsay, Kresge, and Sears were hit and so was Bargain Town. Damage done came to well over $1 million.

On December 31 saboteurs wiped out the K-Mart in San Juan. Damage was $1.5 million and the insular police department called it "the costliest fire in Puerto Rico's history." During the first days of this year, what one source called an "unstoppable wave" of incendiarism struck the towns of Mayaguez, San Sebastian, Moca, Aguadilla and Anasco. This spells catastrophe for the Puerto Rican farm worker, which is, of course, the purpose of the arsonists.

Why has Puerto Rico been chosen by Communist terrorists? The answer can be found in the comments of San Juan's newspaper *El Mundo*:

"There is no doubt that these attacks, made chiefly against businesses established here with U.S. capital, represent a political conspiracy whose motive is to create havoc, to discourage investments and to create a climate of fear among the people."

But this is only part of the answer. Puerto Rico, once ridden by disease and poverty, has become the showplace of the Caribbean. Tourism has brought in money. Stateside businesses, taking advantage of an enlightened tax policy, have brought new industries—and work. Conditions have so improved that the island's labor department estimates that in recent years more Puerto Ricans have returned to the island than have migrated to stateside cities.

Communist propagandists, who once were able to belabor the United States over what they called its "colonialist" policies in Puerto Rico, have been deprived of an issue.

To make matters worse, Puerto Rican technical schools have been training teachers and sending them to the rest of Latin America. These Spanish-speaking "ambassadors" have not only been able to give Latin Americans know-how, but, by their casual reports of home conditions, they have given the lie to the steady stream of horror stories that the Communists have attempted to spread about Puerto Rico.

For the Communists, therefore, it has become essential to return Puerto Rico to the state of economic misery that it suffered until the early 1940s. If terrorism becomes the order of the day, new industry will move away. The standard of living, which has shot up, will slump. Unemployment and hopelessness will return. The tourists, who have crowded San Juan's superb beaches, will stay home.

That, of course, is what *El Mundo* means when it talks of a "political conspiracy."

The question bothering Puerto Rican officials and the Johnson Administration is: Can the terrorists be contained? Anti-subversive measures are in the hands of an FBI office and of the local police. Under former Gov. Luis Munoz Marin, the danger of Communist penetration was officially minimized, and the governor himself laughed at the possibility that subversion could put an end to progress. In fact, Latin American Communists, who could infiltrate by boat from neighboring Caribbean islands, were tolerated.

So far, only routine police methods have been employed to put a stop to the terrorism and the fire-bombings. If this attitude persists, will Puerto Rico become another Viet Nam?

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Administration Won't Back Bill for Small Tax Court

By WILLARD EDWARDS

"You give me hope that us poor middle-class slobs are finally getting a break," a Philadelphia woman wrote Sen. Warren G. Magnuson (D.-Wash.) in May 1966. "This is a shot to my sagging patriotism."

Her cry of gratitude was echoed by more than three million small taxpayers, annual victims of peremptory notices from the Internal Revenue Service that their income tax returns are in error and they owe more money to the government.

Nearly two years later they are still waiting for the break, confused and disheartened by the failure of Congress to act on a measure which seemed destined to sweep through both houses by almost unanimous vote when it was first proposed.

This mystery, not for the first time, presents itself: Why does legislation striking a chord of national sympathy, greeted with universal editorial acclaim, sponsored by overwhelming bipartisan majorities in Congress, sometimes quietly disappear from view?

Such has been the seeming fate of the so-called small tax court bill first introduced by Magnuson May 12, 1966 and reintroduced by him in January 1967, with the co-sponsorship of 60 senators, three-fifths of the membership. It remains where it was initially deposited—on the crowded calendar of the Senate Finance Committee.

Magnuson, chairman of the Senate Commerce Committee, said he will devote all his energies, and they are considerable, to getting action at this session. He will press Sen. Russell B. Long (D.-La.), chairman of the Finance Committee, to schedule early hearings, followed by a favorable report. Everyone wishes him well, but few are willing to predict his success.

The bill is a simple one, creating a small tax court to permit the average citizen to obtain, without legal expense, an impartial review of a tax dispute involving an amount less than $2,500. He would put his case before a commissioner, independent of the IRS, pledged to give him a fair and sympathetic hearing. If the government objected to the decision, it would bear the court costs and legal fees of an appeal.

The average small taxpayer, Magnuson noted, is stricken with terror when informed that he owes $50 or $100 or $500 more in income taxes. Summoned before an examiner, he is advised to sign a waiver and pay up or go to court. His first and usually last impulse is to submit humbly and pay the deficiency, no matter how unjust he believes it to be. He can't win in court because attorney and accountant fees will usually be larger than the amount involved.

Magnuson displayed files crowded with complaints of arrogant behavior by IRS examiners who seemed to be intent on extracting the maximum amounts from small taxpayers. Meanwhile, he remarked, wealthy individuals and corporations, equipped with the legal assistance to contest large assessments, were awarded out-of-court settlements saving them $300 million in one year.

"The little fellow throws in the towel and pays more than he should because he is intimidated by faceless bureaucrats," he said. "Who, with any sense of fair play, would deny a legal haven to the little man?"

The Internal Revenue Service would, it developed. It has made known its unalterable opposition to any lessening of its authority to browbeat taxpayers who can't afford lawyers and accountants. Unless directed by President Johnson, it will not change this stand.

Bills lacking the Administration's stamp of approval are usually not considered until the great mass of legislation stamped "must" has been given attention. The Finance Committee's calendar is overburdened with such measures which will be given priority. Magnuson has put his own "must" on the small tax court bill and he is celebrated for his expertise in such matters. But the odds are against him in a struggle with what he has called "the tax-collecting octopus."

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Top Industrialists Organize To Challenge Pro-Labor Laws

By VICTOR RIESEL

Though there has been nothing ultra-secret or furtive about it, a truly vast and unreported "management movement" has been launched by the intellectuals of American industrialism—to duel publicly with the American labor movement.

These executive suite intellectuals are of a breed different from what one of them recently dubbed "Commodore Vanderbiltism." They're of the most rarefied managerial echelons of the land's most massive corporations. But they've taken the time to learn the intricacies of labor, its leaders, their passions, motivations, ambitions and intra-union politics and ambitions.

These industrialists do not want to smash any unions. But the management men have woven together the broadest united front of large and small businesses in history for the fight to revamp what they charge are pro-union federal labor relations laws and boards.

It took time to win what labor leaders always boast of—"unity." Businessmen are of many kinds and philosophies.

But after several years, beginning in the early '60s, the industrial organizers got a popular front together of 35 major national trade associations (which one insider said represented some four million firms) as well as hundreds of small and large companies with no affiliation.

Once the "front" began moving, its leaders commissioned three prominent corporate labor lawyers – Gerald D. Reilly, former U.S. Labor Department solicitor; Guy Farmer, former Eisenhower Administration chairman of the National Labor Relations Board; and Theodore Iserman, a New York attorney.

They were directed to do an intensive study of the National Labor Relations Act.

They were retained because the business front felt that "the NLRB has not interpreted and administered the Act with even-handed justice; that it conceives the Act to be a mandate to foster unionism (even against the wishes of employes)."

However, what the business leaders feel most strongly is that the board now "is guided by a 30-year-old philosophy that unions are weak institutions, dependent on government protection and promotion."

The "management movement" is saying, in effect, that it is not getting a fair shake from the labor laws passed long before the unions grew to maturity, developed financial and political strength and became one of the country's most influential forces.

So, scholarly and soft sell though the executive suite people are, they say bitterly they're just not getting a fair shake. The law is applied by the board, the lower benches and even the U.S. Supreme Court, against them and in labor's favor with an "uneven hand of justice." They say they're denied their equal rights and their rights of free speech in any joust with labor.

They developed an intricate legislative program but, in the final count, they want the NLRB divested of jurisdiction over unfair labor practices even if it means the elimination of the board and the transfer of its functions to a labor court.

In its place they would put a system of labor courts.

The legal trio turned in its analysis.

AT&T Executive Vice President Angus Alston is among the businessmen who will try to alleviate Big Labor's influence upon the NLRB.

It was reviewed and finally approved by a "blue ribbon panel" of 150 corporation labor lawyers by mid-1966.

Then came the endorsement by the 35 trade associations and other businesses in the original "organization."

This was followed by endorsements from the National Association of Manufacturers and the United States Chamber of Commerce.

Thus this "management movement" rests on a broader business block than any other enterprise since Peter Stuyvesant's shopping center.

Today the movement is surfacing. Its Labor Law Reform campaign is guided by an informal steering committee which believes the time has come for the offensive in search of public opinion and congressional support.

On the steering committee are top industrial relations executives of 11 leading American industries. Their willingness to surface is indeed a seven-league leap-frog over old traditions of secretive inner sanctums.

On the steering committee are industry's Paul Bunyanesque names. There are 11 men, some of them quite friendly, even social, with such labor giants as George Meany, Walter Reuther and I.W. Abel.

It's quite a roster:

There are among them, Angus Alston, executive vice president, AT&T; Fred Atkinson, senior vice president of R.H. Macy & Co., Inc.; Virgil Day, vice president of the General Electric Co.; Malcolm Denise, vice president, Ford Motor Co.; R. Heath Larry, executive vice president and assistant to the chairman, U.S. Steel Corp.; Douglas Soutar, vice president, American Smelting and Refining Co.

They are a fair match for the Meanys, the Abels, the Reuthers, the Siemillers, the Fitzsimmons.

It won't be bloody as in the olden days. But it will get louder and last longer. Labor considers the NLRB its home and castle. It won't let its ramparts be taken or pulled down easily.

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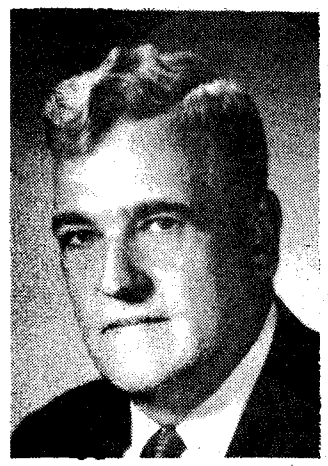

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EDUCATION IN AMERICA

In the fall of 1966 the United States Office of Education issued the results of an extensive examination of the effects of the American schools on their pupils. The conclusions are known as the Coleman Report.

The Coleman Report discloses that it seems to make no significant difference if a school has elaborate new buildings or limited old ones, if a school has extensive equipment or none, if it has well trained or poorly trained teachers!

The Coleman Report discloses that many programs —Head Start, guidance counseling—often have a damaging effect on students.

The Coleman Report discloses that the only important determining factor in the academic and social success of the American school child is the kind of children with whom they go to school.

These findings are ridiculous. But they are true.

In a half a century drive toward collectivized education in America schoolmen have succeeded in all but emasculating the local school board. The one room, neighborhood school has almost disappeared. The "consolidated" school to which children must be bussed hours from home and neighbors is the rule.

There is no evidence that the consolidated school gives better education than the one room school house, or the six class neighborhood school.

In fact, the collectivization of education has helped create an anomaly in the history of family development. In America, and apparently in America alone, the values and skills of children are shaped almost exclusively by their peers, by other children.

The idea has been sold that no one can rise above his station, that the neighborhood and social setting are all important, that no amount of teaching can offset a bad background. The schools dedicated to that philosophy are used as evidence that it is true.

Every Russian high school student graduates with five years of physics, five years of chemistry, and math through trigonometry. They read Shakespare (in English) in the 9th grade. Their parents did not. Their grandparents likely couldn't read at all. It is strange that we have to turn to avowed collectivists for evidence that people can be made better than their origins, than their parents, than their own present aspirations.

Green Valley is dedicated to a fundamental belief:

It is in the nature of every child to learn, to grow, to seek greater power over the natural and social world around him. If he does not learn it is because someone has actively (if stupidly and well-meaningly) destroyed his fundamental drive to knowledge and competence.

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Green Valley is a community of schools and scholars who oppose the main stream of American education.

We will accept any child who does not suffer from organic defect or disease and will prepare that child for college, or for an effective and challenging career.

It may be that the first year your child is with us will be spent in the Alaskan wilderness, relearning the joys and competence of being a physical creature;

it may be that he or she will work on our New York farm;

it may be that he will be doing research on marine biology in the Florida Keys, or learning wilderness skills on a deserted island;

maybe he will immediately be plunged into the life of a scholar in our monastery school in central Florida;

and perhaps his first months with us will be spent in intensive character-reeducation that enables him to become free of the fear of success, the fear of power, the fear of community and love—fears that create inability to work, to study, and to play.

Because of our ethics we serve every kind of child. We have no interest in being servants of parents who wish merely to educate another faceless employee. Our children learn to live with risk, to make decisions, to see the value and importance of structure and choice.

We are sent many beatniks, but have graduated none.

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if he is a problem, we will reeducate him in social, intelligent, constructive individualism. We do not flee the destructive mobbism of misled and ill-taught children—we are teachers.

If your child is not successful in two years of college, in the three years after graduation, we will refund your tuition.

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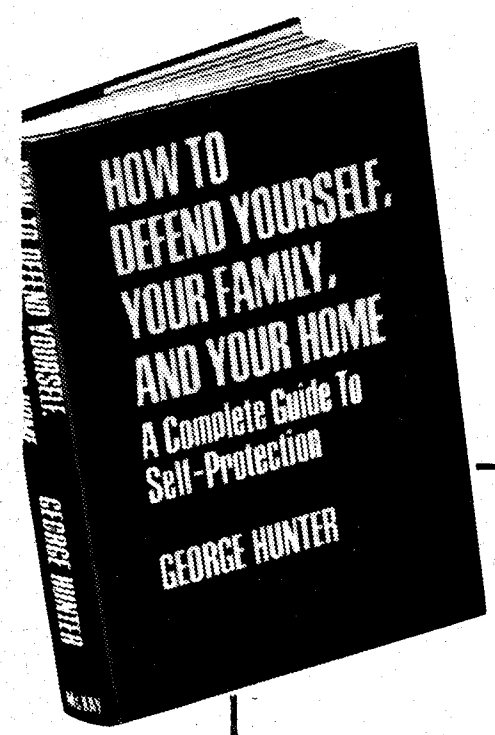

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As with accident insurance, we dearly hope you never have to use what you will get out of this book. But merely *having* all this information is the best guarantee you will never be faced with criminal attack. (Even if you yourself are a burly ex-Marine and feel no need for this book, remember, your wife and children are different.)

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Whether you live in a big city, a posh suburb (where crime is growing fastest) or a small town . . . in a house or an apartment, author George Hunter understands your security problems. Not only has he written and lectured widely on the subject; this book is based on data from organizations like the FBI, the New York City police, the U.S. Army and the National Rifle Association. How much of the following information do you honestly know right now? And yet your safety and your very life, your wife's, your child's, could depend on your knowing *any one* of these facts:

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